Some copies have frontispieces in
which are heads of the Kings, and
the rest complete copies

IN LIBRI FRONTISPICIVM.

SEptem vno hoc Reges, Astræa præside, libro
Jus populo dicunt; exequiturque Leo.

AD IACOBVM SEXTVM.

DElitiæ populi, Procerum cura vna, Britanni
Imperij pignus nobile; Viue diu.

AD REGINAM ANNAM.

IVre locum hîc Sophia matre, & tot Regibus orta,
(Nam Sophiæ & Regum hæc sunt monumenta) tenes.

IN PRINCIPEM HENRICVM.

PAtris amor, Patriæ splendor, spes anxia matris,
Fortunæ dominus cresce vtriusque Puer.

IN MARIAM REGINAM

NAturæ ingenijque bonis ditissima, vixi
Dum licuit, conjux Regia, Nata, Parens.

IN IACOBVM QVINTVM.

In Quinto illuxit veri spes principis Orbi,
Inuidia Quintum mors properata tulit.

AD IACOBVM QVARTVM.

NOn mihi Mæonij calami si gloria detur
Sufficerem in laudes, Quarte Iacobe, tuas.

AD IACOBVM TERTIVM.

DVra tibi & nobis nocuerunt tempora, ne tu
Tertie, Regum inter nomina prima fores.

IN IACOBVM SECVNDVM.

NOmine qui Patri, nulli virtute Secundus:
Fortuna vt fieret dij voluere minor.

IN IACOBVM PRIMVM.

REgum inter (quia nemo prior) tot nomina Primus
Eminet, & famæ celsus in arce sedet.

IN LEONEM, SCOTORVM INSIGNIA.

SVpplicibus facilis, vindex animosus in hostes,
Et nostri & veri Regis imago Leo est.

THO. CRAGIVS.

Bibliotheca Colbertina.

THE

LAVVES AND ACTES OF PARLIAMENT, MAID BE KING IAMES THE FIRST, AND HIS SVCCESSOVRS KINGES OF SCOTland: Viſied, collected and extracted furth of the Regiſter.

THE CONTENTES OF THIS BVIK, are expremed in the leafe following.



AT EDINBVRGH,
IMPRENTED BE ROBERT
VValde-graue prenter to the Kinges Majeſtie.
15. MARTII. ANNO DOM. 1597.

THE CONTENTES OF THIS BVIK.

1 THE Actes of Parliament, maid be King Iames the Firſt, Second, Thrid, Fourth, Fifth, Queene Marie, and King Iames the Sext, now preſently reignand.

2 Ane large Table and Repertour of al ſpeciall maters and heades conteined in the ſaids Actes.

3 Ane Chronologie of all the Kings of Scotland from the beginning.

4 Ane Almanack for the ſpace of fiftie zeires, of the moueable Feaſtes, and other partes of the Kalendar.

5 The Interpretation of the termes and difficill words vſed in the foure Buiks of REGIAM MAIESTATEM and vthers, in infeftments and practicque of this Realme.

6 Ane Catalogue of the Buikes conteinand the auld Lawes written before King Iames the Firſt of gud memorie.

The Privelege.

IAMES Be the grace of God King of Scottes, To all and ſindrie our lieges and ſubiectes, quhom it effeiris, to quhais knawledge thir preſents ſall cum, Greeting. For ſameikle, as it is ſtatute and ordaned be our vmquhile darreſt gudſchir King IAMES the Fifth, of gud memorie, That al & ſindrie the lawes and actes of Parliament, concerning the commonweil, ſuld be imprented be quhat-ſum-euer Prenter it ſuld pleaſe the Clerk of Regiſter for the time to nominate and chuſe. And ſwa to be publiſhed to the haill ſubiectes, that nane ſuld pretend ignorance thereof, throw miſ. knawing of the ſame. And we vnderſtanding all and haill the lawes, conſtitutiones, ordinances and actes profitable for the gouernement of our Realme, maid and ordained be the three Eſtaites in Parliament, be vs, and vmquhile our maiſt Noble Progenitors and predeceſſours Kinges of this Realme, alſweill nocht imprented of before, as imprented: to be collected & gathered in ane volume, in ſik forme and maner, as they may be eaſelie vnderſtanded be all our lieges. Therefore to haue given and granted, like as we be thir preſentes giues and grants our full power and licence, to our truſtie and welbeloved Clerk and Councellour M. IOHN SKENE, Clerk of our Councell, Rolles and Regiſter; To cauſe the ſaides lawes, conſtitutiones and actes be imprented be Robert Walde-graue, our prenter. Or be onie vther quhom it ſall pleaſe him to nominate to that effect, togidder with ane treatiſe intitulat, De verborum ſignificatione, & ane Chronology of the Kings of this realm, our maiſt Noble progenitors. With full power to our ſaid Clerk of our Regiſter, his aires, executors & aſſignayes, after the imprenting therof, to ſell & diſtribute the ſamin. And to cauſe the ſamin be ſauld and diſtribute throw-out our haill Realme, to the effect that they may cum to the better knawledge of all our lieges. Diſcharge and all our ſubiectes and lieges, that nane of them take vpon hand, to imprent or cauſe imprent, ſell, or cauſe be ſauld, bye, or cauſe be boucht, within our Realme, or without the ſamin, the ſaides lawes, conſtitutiones and actes, without the ſpeciall conſent and licence of our ſaide Clerk of Regiſter and his foreſaides, induring the ſpace of ten zeires, nixt after the daie and dait of this preſent, vnder the paine of eſcheitting of the ſamin, to our ſaid Clerk of Regiſter and his foreſaides. And paying to him, and his foreſaides the ſumme of twa hundreth punds money of our Realme. To be taken vp be him and his foreſaides, to their vtilitie and profite, induring the ſpace foreſaid. fra ilke ane of the contraveeners of this our privilege, inhibition, licence and diſcharge, als oft as it ſall happen them, or onie of them to break or contraveene the ſamin. Quhilk conſent and licence of our ſaid Clerk of Regiſter, and his foreſaids to the premiſſes, ſalbe verified be his awin manuall ſubſcription, and na vtherwiſe, vpon onie pairt or leaſe of the ſaides imprented lawes. Subſcrived with our hand. At Haly-rude-houſe, the 1. day of March. The zeir of God 1597 zeires. And of our Reigne the 31 zeire.

IAMES R.

M. IAMES ELPHINSTOVN Secretarius.

SERENISSIMO ET INVICTISSIMO PRINCIPI, IACOBO SEXTO, DEI

Gratia, Scotorum Regi, Religionis & Ecclesiæ Nutritio, & Propugnatori incomparabili, Literato, literatorum omniumque bonorum Mecœnati, & Patrono.

P. P.

Domino suo clementissimo:

Has suas, suorumque majorum leges, seu Regias constitutiones, in vnum collectas, Indice rerum copioso; Brevi & succincta Regum SCOTIÆ Chronologia, facili obscuriorum verborum forensium interpretatione, auctas & illustratas:

Perpetuæ observantiæ, & gratitudinis ergò, Serenissimæ suæ Majestati à Consilijs & Archiuis publicis

Humillimus, & addictissimus Servus & Subditus,

IOHANNES SKENE

Consecravit Ddtq;

THE FIRST PARLIAMENT OF KING IAMES *THE FIRST, HALDEN AT* PERTH THE XXVI. DAY OF MAII:

The zeir of God, Ane Thousand foure hundreth twentie foure zeirs: And of his Reigne the nineteene zeir.

1 *The freedome of the halie Kirke.*



IN THE First to the honour of God and halie Kirk, It is statute and ordaned, that the halie Kirke ioyis and bruike, and the Ministers of it, their aulde Privileges and freedomes. And that na man let them to set their landes and teindes, vnder the paine that may follow, be Spiritual Law, or Temporall.

2 *Peace suld be keeped within the Realme.*

ITEM, That firme & sicker peace be keeped and halden throw all the Realme, and amang all and sindrie Lieges and subjectes, to our Soveraine Lord the King, and that na man take on hand in time to cum, to moove or make weir againſt vther, vnder all paine that may follow be course of commoun law.

3 *That na man rebell againſt the Kingis perſone.*

ITEM, It is ſtatute and ordaned, that na man openlie or notourlie rebell againſt the Kingis perſon, vnder the paine of forefaulting of life, land and gudes.

4 *All men ſuld aſſiſt the King to puniſh rebelles.*

ITEM, It is ſtatute and ordaned that gif ony diſobeyis, till enforce the King againſt notour rebellers againſt his perſone, quhen they be required be the King, and commanded; they ſalbe challenged be the King, as fauourers of ſik rebellers; bot gif they haue for them reaſonable excuſation.

5 *Na man ſuld trawell with maa men, nor he may ſuſteine.*

ITEM, It is ſtatute that na man of what eſtate, degree or condition he be of, rydand or gangand in the Countrie, lead nor haue maa perſones with him, nor may ſuffice him, or till his eſtaite, and for quhom he will make readie payment: And gif onie complaint be of ſik ryders or gangers; the King commandis his Officiares of the land, that quhair they happen to be, till arreiſt them, and put them vnder ſicker burrowes, quhill the King be certified thereof, and ſend his will what ſalbe done of ſik treſpaſſoures.

6 *Of the Miniſters of Law within the Realme, and offices giuen in heritage.*

ITEM, It is ordaned that there be maid officiars and miniſters of Law, throw all the Realme, that can, or may halde the Lawe to the Kingis commounes; and ſik as hes ſufficientlie of their awin; quhair throw they may be puniſhed gif they treſpaſſe. And gif onie be infeft of ſik offices of before, and ar not ſufficient to miniſter therein in proper perſone; that vtheris be ordaned in their ſteedes, for the quhilk they that hes ſik offices of the King in fee, be halden to anſwer to him, gif they treſpaſſe.

7 *Sornares or companies ouer-lyand the Kingis Lieges, ſuld be arreiſted, and ſatiſfie the King and partie.*

ITEM, The Parliament ſtatutis, and the King forbiddis; That na companies paſſe in the Countrie, to lye vpon onie the Kingis Lieges:

or

or thig or ſojourne horſe, outher on Kirk-men or husbands of the land. And gif onie complaint be maid of ſik treſpaſſoures to the Schireffe of the land; that he arreiſt ſik folk, and challenge them, and taxe the Kingis skaith vpon them: And gif they be convict of ſik treſpaſſe, that they be puniſhed, and finde burrowes till aſſyith the King and the partie complainand. And gif ſik perſones takis ony skaith in the arreiſting of them, it ſalbe impute to them ſelfes. And in caſe that na complaint be maid to the Schireffe, the Schireffe ſall inquire at ilk head court that he haldis, gif onie ſik faultoures be within his Schireffedome. And gif onie beis founden, that they be puniſhed, as is before written.

8 *Cuſtomes and burrow mailles, ar annexed to the Croun.*

ITEM, It it is conſented be the hail Parliament, that all the greate and ſmal cuſtomes, and burrow-mailles of the Realme, abide and remaine with the King till his living. And gif onie perſone makis onie claime till ony part of the ſaid cuſtomes, that he ſchaw to the King quhat he hes for him, and the King ſall make him anſwere with adviſement of his Councell.

9 *Of landes and rentes that were our Soveraine Lord the Kingis Predeceſſours, and ſchawing of halding.*

ITEM, As anent landes and rentes, the quhilk were of before time OVR SOVERAINE LORDE the Kingis anteceſſoures: It is ſeene ſpeedfull, that the King charge all and ſindrie Schireffes of his Realme, to gar inquire be the beſt, eldeſt and worthieſt of their Baillieries, quhat landes, poſſeſſiones, or annuall-rentes perteinis to the King, or hes perteined in his anteceſſours times of gud memorie, DAVID. 2. ROBERT 2. & ROBERT 3. his Progenitours; & in quhais hands they now be: And that ilk Schireffe gar retour be inqueſt vnder his ſeale, and their ſeales that beis vpon it: And gif it likis the King, he may gar ſummond, all and ſindrie his tennentes, at lauchfull daie and place, to ſchaw their charters and evidentes, and ſa be their haldinges he may perceiue quhat perteinis till him.

10 *Of ſlaying of Salmond in forbidden time.*

ITEM, Quha ſa euer be convict of ſlauchter of Salmonde, in time forbidden be the Lawe, he ſall pay fourtie ſchillinges for the vnlaw. And at the thrid time, gif he be convict of ſik treſpaſſe, he ſall tyne his life, or then bye it. And gif onie man be infeft to fiſh in forbidden time, al ſik priviledges ſall ceaſe for three zeires to-cum. And gif onie dois

the contrair, he ſall tine ane hundreth ſhillinges for the vnlaw before the Iuſtice: Vpon the quhilk treſpaſſe, the juſtice Clerke ſall inquire, at the receiuing of the indimentes, as of vther poyntes belangand his office.

11 Of Cruves, Zaires, and Satterdaies ſlop.

ITEM, That all Cruves and zaires ſet in freſh water, quhair the ſea fillis and ebbis, the quhilk deſtroyis the frie of all fiſches, be deſtroyed and put awaie for euer mair: Not againe ſtanding ony priuiledge and freedome given in the contrarie, vnder the paine of ane hundreth ſhillinges. And they that hes cruves in freſh waters, that they gar keepe the Lawes, anentes Satterdaies ſlop; and ſuffer them not to ſtande in forbidden time, vnder the ſaid paine. And that ilk heck of the foreſaidis cruves be three inche wide, as the aulde ſtatute requiris.

12 Mines of Gold and ſiluer perteinis to the King.

ITEM, Gif onie mine of gold or ſiluer be founden in onie Lordis Landes of the Realme, and it may be prooved that three halfe pennies of ſiluer may be fined out of the pound of leade: THE Lordes of Parliament conſentis, that ſik mine be the Kingis, as is vſuall of vther Realmes.

13 That na Clerkes paſſe ouer the Sea, but the Kingis licence.

ITEM, It is ſtatute be the haill Parliament, and be the King forbidden, that na Clerke paſſe, nor ſend procuratour for him ouer Sea, but leaue of our Lord the King, asked and obteined.

14 That na clerkes purchaſe penſiones of Benefices within the Realme.

ITEM, In likewiſe it is ſtatute be the haill Parliament, and the King forbiddis, that onie Clerke of his Realme in time to cum, purches onie penſion out of onie Benefice ſecular or Religious, vnder al paine that he maie tyne againſt his Majeſtie: or raiſe onie penſion granted in time by-gane in onie maner of waies, vnder the paines foreſaid.

15 That na man haue out of the Realme gold nor ſiluer.

ITEM, It is ſtatute & ordained, that na man haue out of the realm gold nor ſilver, bot he pay fourtie pennies of ilk pund of cuſtome to the King, vnder the paine of tinſell of all gold and ſilver that beis funden with him, and x. pundes to the king for the vnlaw.

16 Of ſtrangers that takis money for their merchandice

ITEM, Quhat ſtrangeres that ſellis merchandice in the Realme, and takis money theirfoir, he ſall haue witneſſe of the hoſte of his innes, that he outher wair al ſik money for pennie worthes of this land, or els pay the cuſtome foirſaid, vnder the paine before written.

17 That na man play at the fute-ball.

ITEM, It is ſtatute, and the King forbiddis, that na man play at the fute-ball, vnder the paine of fiftie ſchillings to be raiſed to the Lord of the land, als oft as he be tainted, or to the Schireffe of the land or his Miniſters, gif the Lordes wil not puniſh ſik treſpaſſoures.

18 That ilk man busk them to be Archeres

ITEM, That al men busk them to be Archeres, fra they be twelfe zeir of age, and that in ilk ten pundis worth of Lande, their be maid bow markes, and ſpeciallie neir to paroche kirkes, quhairin vpon halie daies men may cum, and at the leaſt ſchutte thriſe about, and haue vſage of Archerie, and quha ſa vſis not the ſaid archerie, the Laird of the Land ſall raiſe of him a wedder, and gif the Laird raiſis not the ſaid paine, the kings Schireffe or his Miniſters ſall raiſe it to the King.

19 Of bigging of Ruikes in trees.

ITEM, For thy that men conſidderis that Ruikes biggand in Kirks Zairdes, Orchardes, or Trees, dois greate skaith vpon Cornes: It is ordained, that they that ſik Trees perteinis to, lette them to big, & ſuffer on na wiſe that their birdes flie away. And quhair it be tainted that they big, and the Birdes be flowin, and the neſt be funden in the Trees at *Beltane* the trees ſal be foirfaulted to the King (bot gif they be redeemed fra him, throw them that they firſt perteined to) and hewin downe, and fiue ſchillings to the Kingis vnlaw.

20 Of Mure-burning

ITEM, It is ordained, that na man mak Mure-burning, after the moneth of *Marche*, quhil all Cornes be ſchorne, vnder the paine of four

tie ſchillings, to be raiſed to the Lord of the lande of the burner. And gif he hes not to pay, that he be priſoned fourtie dayis. And gif the Lord of the land raiſis not ſik pain, nor puniſhis not ſik treſpaſſoures, as is befoir ſaid, the Iuſtice Clerk be the inditement, ſall gar ſik treſpaſſoures be corrected befoir the Iuſtice, and puniſhed as ſaid is.

21 Cuſtome of Horſe, Nolt, Scheepe, had furth of the Realme, and of Herring.

ALSWA For thy that mony thinges paſſis out of the Realme, withoutten Cuſtome, it is ordained and decreeted that of all Nolt, Horſe, and Scheepe had out of the Realme, their be payed to the King twelfe pennies for cuſtome of ilk pund, of the price of the ſaid guds, and of all Herring that are tane within this Realme, that is to ſay, of ilk thouſand of freſche Herring ſauld, of the Sellar one penny, and of ilk laſt of Herring, tane be *Scottiſ-men* barrelled, foure ſchillinges of ilk laſt, be ſtrangeris taken, ſexe ſchillinges. And of ilk thouſand red Herring, maid in the Realme, foure pennies.

22 Cuſtome of Mertrik skinnes, and vther Furringes

ITEM, It is ordaned, that na man haue Mertrik skinnes furth of the Realme, and gif he dois, that he pay to the king two ſchillinges for the Cuſtome of ilk skinne, and for ten Fowmartes skinnes called Fithawes ten pennies. Item of ane hundreth Cunning-skinnes twelfe pennies. Item of ilk daker of Otter skinnes and Tod skinnes, ſex pennies. Item for ilke daker of hart and hynde skinnes twelfe pennies. Item of ilk ten Daes and Raes skinnis, foure pennies.

23 Reformation and mending of the money

ITEM, The Parliament hes determined and ordained, that our Lord the King gar mend his money, and gar ſtryke it in like wecht and fine nes to the money of *England*. And this money runnand nowe, to haue courſe quhill the King forbid it. And that the King ſall garre ſtrike new money, quhen him lykis, and thinkis it ſpeidfull and profitable for the Realme.

24 Of Hoſtillaries in Burrowes and throuch-fares

ITEM, It is ordaned, that in all Burrow Townes of the Realme, and throuch, faires, quhair commoun paſſages are, that their be ordained Hoſtillares & receipters, havand ſtables and chalmers. And that men find with

with them bread and aile, and all vther fude, alſweill to horſe as men, for reaſonable price, after the chaipes of the countrie.

25 Of the age and marke of Beggers, and of Idle men.

THE King hes ſtatute be conſent of the haill Parliament ripelie adviſed, that na Thiggeres be thoiled to beg, nouther to Burgh nor Land-wart, betuixt fourteene and threeſcore ten zeires, bot they be ſeene be the councelles of the Tounes, or of the Lande, that they may not winne their living vther waies. And they that ſalbe thoiled to beg, ſall haue a certaine takin on them to Land-wart of the Schireffe: And in the Burrowes, they ſall haue takin of the Alder-men, or of the Baillies. And all vther perſones hauand na takins, nouther of lande, nor of Burgh, ſalbe charged be open Proclamation, to labour and paſſe to Craftes, for winning of their living, vnder the paine of burning on the cheike, and baniſhing of the Countrie.

FINIS.

THE SECOND PARLIAMENT, OF KING JAMES THE First, halden at Perth, the twelfth daie of March, the zeir of God, ane thousand, foure hundreth, twentie foure zeires; And of his Kirk the nineteen zeire.

26 Of the freedome of halie Kirk, and of Kirk-landes wrangeouslie annalied.

IN The First, to the honour of God, that the freedome of halie Kirke be keeped throw all the Realme: And gif ony landes or possessiones of halie Kirke be wrangeouslie annalied, they sulde be restored againe, be lauchfull processe of Law.

27 Reformation of Hospitalles.

ITEM, Anent Hospitalles that ar founded of Almous deedes, throw the Kinges, to be vphalden to puir folke, and seik; to be visited be the Chancellar, as they haue bene in the Kingis progenitoures times. And they that ar founded be Bishoppes or vther Lords Spirituall or Temporal, to be visited be the Bishop and Ordinars, quhom it effeiris to, and reduce and reforme them to the effect of their first foundation.

28 Of Hereticques.

ITEM, Anent Hereticques, that ilk Bishoppe sall garre inquire to the inquisition of Heresie, quhair onie sik beis founden and that they be punished as law of halie Kirk requires. And gif it misteris, that seculas power be called, in support and helping of halie Kirk.

29 The breakers of the actes of Parliament, sulde be punished.

IT Is statute and ordaned, that the breakers of the actes of Parliament be punished, after the forme and ordinance thereof.

30 *Leagues and bands are forbidden.*

ITEM, It is decreeted be the haill Parliament, and forbidden be our Soveraine Lorde the King, that onie leagues or bandes be maid amangſt his Liegesin the Realme: And gif onie hes bene maid in time by gane, that they be not keeped nor halden in time to cum.

31 *Of ſelling of Horſe.*

ITEM, It is ordaned that na horſe be ſauld out of the Realme, quhill at the leaſt they be three zeir auld out-gane, vnder the paine of eſcheit of them to the King.

32 *Anent Taulch.*

ITEM, It is ordaned that na Taulch be had out of the Realme, vnder the paine of eſcheitte of it to the King.

33 *Steallers of greene woodde, of fruite, Cunninges, Dowes, peallers of Trees, Breakers of Orchardes, and deſtroyers of woodde.*

ITEM, It is ordaned, that the juſtice Clerkes, inquire at the receiving of the inditements, of them that be night ſteallis greene woodd, or pealis the bark off trees, deſtroiand wooddes. And quha ſa be convict before the juſtice of ſik treſpaſſe, they ſall paie fourtie ſhillinges to the King for the vnlaw, and aſſyith the partie skaithed. And als the ſaid Clerke ſall inquire of the breaking of mennes Orchardes, ſtealers of frute, deſtroyers of Cunningaires and Dowcattes, the quhilkis ſall be puniſhed, as it is ordaned of the ſtealers of woodde.

34 *Steallers of Woodde ſuld be puniſhed in the place quhair the cryme was committed.*

IT Is ordaned, gif onie man findis his ſtollen woodde in vther Lordes landes, he ſall gar arreiſt baith the woodde and the ſteallers of it, and gar them ſuffer Law in his Courte, that the woodde was ſtollen fra, and in nane vthers.

35 *Anent the time within the quhilk Salmound ſuld nocht be ſlaine.*

IT IS Ordaned be the Parliament, and forbidden be the King, that onie Salmound be ſlaine, fra the Feaſt of the Aſſumption of our *Ladie*, quhill the feaſte of *Saint-Andrew*, in Winter, nouther with Nettes nor Cruves, nor nane vtherwaies, vnder the paine put vpon ſlayers of read fiſh, quhilk alſwa the juſtice Clerke ſall gar inquire.

36 *A-*

36 *Anent ſtalkers, that ſlayis Deare, and their mainteiners.*

ITEM, It is ordaned, that the juſtice Clerke ſall inquire of Stalkers, that ſlayis Deare, that is to ſay, Harte, Hynde, Dae, and Rae, and the halders and mainteiners of them, And aſſoone as onie Stalker may be convict of ſlauchter of Deare, he ſall paie to the King, fourtie ſhillings: And the halders and mainteiners of them ſall paie ten poundes.

37 *Receipteres of rebelles ſuld be forefaulted.*

ITEM, It is decreeted and ſtatute, that na man wilfullie ſall receipt, mainteine, or do fauour to open and manifeſt Rebellares againſt the Kingis Majeſtie, and the commoun Law, vnder the paine of forefaultour.

38 *How meikle gudes ane merchand ſayling ſuld haue.*

ITEM, It is ſtatute and ordaned, that na Merchand of the Realme paſſe ouer the Sea in merchandice, bot he haue of his awin proper guds, or at the leaſt committed til his awin gouernance, three ſerplaithes of Wooll, or the value of them in vther Merchandice, quhilk ſalbe kend or he paſſe, be an inqueſt of his nichtboures, vnder the paine of ten pound to the King.

39 *Ilke Craft ſuld haue ane Deakon.*

ITEM, It is ordaned, that in ilke Towne of the Realme, of ilk ſindrie craft vſed therein, be choſen a wiſe man of that craft, and be conſent of the officiar of the Towne, the quhilk ſalbe halden Deakon or Maiſter-man ouer the laife for the time, to gouerne and aſſay all warkes, that beis maid, before the craftes-men of that craft: Swa that the Kingis Lieges be not defrauded and skaithed in time to cum, as they haue bene in time by-gane, throw vntrew men of Craftes

40 *The Cuſtome of Woollen claith, of Salmond and* Engliſh *gudes.*

ITEM, It is ordaned, that of ilk poundes worth of woollen Claith had out of the Realme, the King ſall haue of the out-hauer for Cuſtome twa ſhillinges. And of ilk poundes woorth of Salmound bocht be ſtrangers, and had out of the Realme, threttie pennies. And of ilke poundes woorth of *Engliſh* guddes, brocht in the Realme, threttie pennies.

41 Anent men quha ſuld labour the land.

ITEM, It is ordaned that ilk man of ſimple eſtaite, that ſuld be of reaſon labourers, haue outher halfe ane Oxe in the pleuch, or elſe delve ilk day ſeven fute of length, and ſeven on breadth, vnder the paine of ane Oxe to the King.

42 The age, marke, and paine of Beggers

ITEM, It is ordaned that na Thigger be thoiled to begge, nouther to Burgh nor land, betuixt fourteene and three-ſcoir and ten zeires, but they be ſeene be the Councell of the Commounes of the Countrie, that they may not win their liuing vtherwaies. And they that ſa beis founden haue a certaine takinne to Landwart of the Schireffes, and in Burrowes of Alder-men and Baillies, and that vnder the paine of burning on the cheik, and baniſhing off the Countrie. And that in euerie Burgh out throw the Realme, the Chalmerlaine ſall inquire in his aire zeirlie, gif the Alder-men and Baillies, hes keiped the act, and the forme of the ſtatute. And gif they haue broken it, they ſall be in fiftie ſhillings to the King. ITEM, The Schireffes failzieng of the keeping of the ſaid act, to be puniſhed in likewiſe.

43 Leeſing-makers tinis life and gudes.

ITEM, It is ordaned be the King and the haill Parliament, that all Leeſing-makers and tellers of them, quhilk may ingender diſcorde betuixt the King and his people, quhair euer they may be gotten, ſall be challenged be them, that power hes, and tine life and gudes to the King.

44 Of weaponſchawinges

ITEM. It is ordaned, that in ilk Schireffedome of the realme, be maid Weaponſchawinges foure times in the zeir.

45 Anent complaintes to be decided before the Iudge ordinar.

ITEM, As anent billes of complaint, quhilkis may not be determined be the Parliament, for diuerſe cauſes belanging the commoun profite of the Realme: It is ordaned that the Billes of complaint be execute and determined be the judges and Officiares of the Courtes, quhom to they perteine of Law, outher juſtice, Chalmerlane, Shireffes, Baillies of Burrowes, Barronnies, or vther Spirituall judges, gif it effeiris to them. To the quhilkis judges all and ſindrie, the King ſall giue ſtrait commandement, alſweill within Regalities, as out-with, vnder all paine and charge that may follow, that alſweill to pure as to rich, but fraude or guile, they doe full law and Iuſtice. And gif there bee onie pure creature, for faulte of cunning, or diſpenſes, that cannot, nor may not follow his cauſe, the King for the loue of GOD, ſall ordane the judge, before quhom the cauſe ſuld be determined, to pur-wey and get a leill and a wiſe Advocate, to follow ſik pure creatures cauſes.

And

And gif ſik cauſes be obteined, the wranger ſal aſſyith baith the partie skaithed, and the Advocatis coaſtes and travell. And gif the Iudge refuſis to do the Law eavenlie, as is before ſaid, the partie compleinand, ſall haue recourſe to the King, quha ſall ſee rigorouſlie puniſhed ſik Iudges, that it ſall be exemple till all vthers.

46 Anent remiſsions to be giuen, and aſsyithment of partie.

ITEM, It is ordaned be the Parliament, that quhair the King giues remiſſiones til onie man, with condition to aſſyith the partie skaithed and compleinand: That conſideration be had of the *Hie-land* men, the quhilkis before the Kingis hame cumming, commounlie reft and ſlew ilk ane vtheris; of the quhilks there may not be maid ful aſſythmēt till vtheris, bot in the *Law-landes*, quhair the skaithes done may bee kend of al, or of part: That there be choſen gud men & leil, ſworne there to, to modifie amendis after the qualitie and quantitie of the perſon, and of the skaithes, gif the parties cannot concorde be themſelues; of the quhilkis modificationes, baith the parties ſall hald them content.

FINIS.

THE

THE THRID PARLIAMENT. OF KING IAMES the First, halden at Perth the Elleuenth of Marche: The zeir of God, ane thouſand, foure hundreth, twentie fiue zeires: And of his Kinrik the twentie zeir.

47 *Anent harnes to be brocht hame be Merchandes.*

ITEM, It is ordaned be the King and the Parliament, that all Merchands of the realm, paſſand over Sea for Merchandice, bring hame, as he maie gudly thoile, after the quantity of his merchandice, harnes and Armoures, with Speares, Schaftes, Bowes and ſtaues. And that be done be ilk ane of them als oft, as it happenis them to paſſe ouer Sea in Merchandice.

48 *That all the Kingis Lieges liue and be gouerned be the Lawes of the Realme.*

ITEM, It is ordaned be the King, be conſent and deliuerance of the three Eſtaites, that all and ſindrie the Kingis Lieges of the Realme liue and be governed vnder the Kingis Lawes & ſtatutes of the realme allanerlie: and vnder na particular laws, nor ſpecial Priviledge, nor be na Lawes of vther Countries nor Realmes.

49 *For the halding of money within the Realme.*

ITEM, It is ordaned, for the halding of the money within the realme, that na man haue out of the Realme gold nor ſiluer, bot he pay fourty pennies of ilk pound to the King for cuſtome, vnder the pain of tinſel of al Gold and ſilver, that beis founden with him, and ten poundes to the King for the vnlaw. And quhat ſtranger, that bringis Merchandice in the Realme to ſell, and takis money theirfore, he ſall haue witneſſing of the Hoſte of his Innes, that he ware al ſik money for penny worthes of this Realme, or elſe paie the cuſtome foreſaide to the King, vnder the paine before written. And for the keeping of this ſtatute, that the Kingis Chalmerlaine depute, or himſelfe, gar ordane in ilk Toune, quhair ſik

ſtrangers repairis, twa ſufficient men baith to ſee the entrie of them of ſik gudes, and to heare the reckoning of them, and to receiue the Kingis Cuſtome, & vther thinges, that belangis thereto, & to make reckoning and giue compt thereof, at the Kingis Checker.

50 *That na perſones that inditis men to the Iuſtice Aire, be on their Aſſiſe.*

ITEM, It is ſtatute, ordaned, & forbidden that onie man that is officiar of onie Countrie, or anie man that inditis ane vther for onie action, be on his aſſiſe, that ſall thoile the law, vnder the paine of ten pounds to the King.

51 *Of fore-thought fellonie and Chaud-mella.*

ITEM, It is ſtatute for the keeping of the Kingis peace, and added to the Acte and ſtatute maid of before, that als ſoone as onie complaint be maid throw onie perſones to juſtices, Schireffes, Baillies in Burrowes or on land, till ony vther officiar of the Law, quhair euer he be, that it effeiris or perteinis to, ſall in all gudlie haſte garre ſummound baith the parties before him, and inquire diligentlie but onie fauoure, gif the deede was done vpon fore-thought Fellonie, or throw ſuddaine Chaud-mella: and gif it be founden forethought-fellonie the partie ſal be challenged incontinent of the Kingis peace breaking, be the officiers of Lawe, quhilkis ſall gar the partie hurte be fullie aſſyithed, after the quantitie of the skaith, that he hes ſuſteined. And thereafter the life and the gudes of the treſpaſſoure to be in the Kingis will, to quhais priſon hee ſall bee had incontinent. And gif the treſpaſſe be done of ſuddaine Chaud-mella, the partie skaithed ſall follow, and the partie treſpaſſand defende, after the courſe of the auld Lawes of the Realme.

52 *That all Prelates, Barronnes and Free-halders ſall compeir perſonallie in the Parliament.*

ITEM, It is ordaned and ſtatute, that all Prelates, Erles, Barronnes and free halders of the King within the Realme, ſen they ar halden to giue preſence in the Kingis Parliament, and Generall councell, fra thine foorth be halden to compeir in proper perſon, and not be a Procuratour: Bot gif the Procuratour alleage there and proue a lauchfull cauſe of their abſence.

53 Attornayes in the Iuſtice Aires ſuld be honeſt perſones.

ITEM, It is ſtatute and ordained, that na man be admitted to be Attornay in the Iuſtice Aire, bot gif he be ane honeſt and ſufficient perſon of diſcretion for that office, the quhilk ſal be knawin be the Iuſtice and the Barrones then preſent, gif onie doubt be theirof.

54 Of perſones to be choſen to examin the buikis of Law, and reforme them

ITEM, It is ſtatute and ordained, that ſex wiſe men and diſcreete, of ilk ane of the three Eſtaites, quhilk knawis the Lawes beſt, ſall be choſen (ſen fraude and guile aucht to help na man) that ſal ſee and examine the Buiks of law, that is to ſay, *Regiam Maieſtatem.* and *Quoniam Attachiamenta.* And mend the Lawes, that neids mendement.

55 Quhat exceptiones ſuld be admitted or repelled

IT is ordained, that all lauchfull exceptiones of the Law be admitted in Iudgement, and all friuolous and fraudful exceptiones be repelled, and not admitted be na Iudge, ſwa that the cauſes litigious and pleyes be not wrangeouſlie prolonged in ſkaith and prejudice of the partie, and in fraude of the Law.

56 All men ſuld ludge with Hoſtillares.

ITEM, In the way that Hoſtillares in Burrowis and throuchfaires, meenis them to the King, that his lieges travelland in the realme, quhen they cum to Burrowes and throuchfaires, herberies them not in hoſtillaries, bot with their acquentance and friends: The King of deliverance of councell, and conſent of the three Eſtates forbiddis, that onie liegeman of his Realme, travelland throw the countrey on horſe or one fute, fra time that the commoun hoſtillaries be maid, herbery or ludge thē in ony vther place, bot in the Hoſtillaries foirſaid, bot gif it be the perſones that leadis monie with them in companie, that ſall haue friedome to harberie with their friends: Swa that their horſe and their meinze be harberied and ludged in the commoun Hoſtillaries. And als it is ordained, that na Burges indwelland in burgh or in throuch-fair receiue or admit ony ſik trauellers or ſtrangers, bot allanerlie commoun Hoſtillaries, vnder the paine of fourty ſchillinges, to the King for the vnlaw.

57 Of Weichtes

ITEM, It is ordained, that their be maid a ſtane for gudes ſauld and boght be weichtes, the quhilk ſall wey fyfteene leil Trois pundes, and

that ſtane to be divided in ſex-tene leill *SCOTTIS* poundes, and of it there ſalbe ordaned halfe a ſtane, a quarter, a halfe quarter, a pounde, halfe a pounde, and vther leſſe weichtes according thereto, with the quhilk all byares and ſellers of gudes within the Realme ſall buy and ſell with, and with nane vther weichtes fra WHIT-SVNDAIE nixt to cum, and fra thence foorth their foreſaide Weichtes ſall haue courſe.

58 Of Water mettes.

ITEM, It is ordaned that the Water-mettes, that now ar, ſall remaine and be vſed throw the Realme in time to come, and in ilk place and Toune, quhair the guddes ar ſauld and mette be the water; there be ordaned, be the Alderman, and the Baillies, ane leill man ſworne to mette all gudes, ſellable be the Water-mette, alſweill coales or vther gudes. And that the ſellares, or nane of their behalfe, intromet them in the metting of ſik gudes.

59 Ferriers and Boate-men ſuld haue Brigges.

ITEM, It is ſtatute and ordaned, that all Boate-men and ferryares, quhair Horſe are ferryed, ſall haue for ilke boate a treene-brigge, quhair-with they maie receiue within their Boates, travelleres Horſe through the Realme, vn-hurte and vnskaithed, vnder the paine of fourtie ſhillinges of ilk boate, fra *Whit-ſundaie* foorth nixt to cum.

60 Of the maner of Weaponſchawinges.

ITEM, IT IS Ordaned in the Second Parliament of OVR SOVERAINE LORD the King, that ilke Schireffe of the realme ſoulde gar Weaponſhawinges be maid foure times ilke zeire, in als mónie places as were ſpeedefull, within his Bailliarie; bot the maner how weaponſchawinges ſulde be receiued was not appoynted: Herefore OVR LORDE The King, throw the haill ordinance of his Parliament, ſtatutis, that ilke Gentle-man, hauand ten pounds woorth of land or mair, be ſufficientlie harniſhed and armed with Baſnet, haill legge Harnes, ſworde, ſpeare, and dagger: and gentlemen hauand leſſe extentes of Landes, nor na landes, ſalbe armed at their gudlie power, after the diſcretion of the Schireffes, bot all vther zeamen of the realme, betuixt xvj. and ſextie zeir, ſalbe ſufficientlie bowed and ſchafted, with ſword & buckler & knife: And that al the burgeſſes & indwellers within the Burrow townes of the Realme in like maner be anarmed and harniſhed

ſhed,& make weaponſhawinges within the Burrowis of the Realme in like maner,foure times in the zeir, & that be the Aldermen and Baillies, vpon the quhilk the Chalmerlane and his Deputes ſall knaw and execute the ſaid thinges. And that all men Seculares of the Realme, be weil purvayed of the ſaid harnes & weapones be the feaſt of the Nativitie of our Lord *Ieſus Chriſt* nixt to cum, vnder the paines followand: That is to ſay, of ilk gentilman that defaltis at the firſt weaponſhawing fourtie ſchillinges, and at the other default fourtie ſchillinges, and at the thrid default, ten punds,and alſmeikle als oft times as he defaultis after-ward: And of ilk bow-man at the firſt faulte ten ſchillinges,at the other default ten ſchillinges,and at the thrid fourtie ſchillings. And ſwa furth als oft-times as he beis funden faultiſe afterward.

61 *Na man ſuld paſſe in* Ireland *without licence.*

ITEM, As to the paſſage betuixt *Scotland* and *Ireland*, it is ſene ſpeedfull to the Kingis Councel,that bidding be giuen be the king to al the Lordes,Schireffes,and al vther Officiares, vpon the Frontiers of SCOTLAND,lying againſt IRELAND: that na Schips, nor Gallayes,nor na man paſſe out of this land to IRELAND, without ſpeciall leaue of the Kingis Deputes, that ſall be ordained to ilk Haven: And for twa cauſes,and principallie,ſen the Kingis notoure Rebelloures are receipt in *Iriſhrie* in *Ireland*,and for that cauſe Paſſingers paſſed fra thine,micht do prejudice to this Realme,an vther cauſe is,that the men that are vnder *Iriſhrie* ſubject to the King of *England*,micht eſpy the privities of this Realme,and do great skaith,as is befoir written.

62 Scottiſ-men *ſuld bring na man furth of* Ireland,*without ane Teſtimoniall*

ITEM, It is ſene ſpeedfull, that gif onie Schip-man of *Scotland* paſſis with letters of the Kingis Depute in *Ireland*, that he receiue na man into his Schip to bring with him to the Realme of *Scotland*, bot gif that man haue ane letter or certainetie of the Lord of that land, quhair he ſchippis,for quhat cauſe he cummis in this Realme.

63 *Anent* Ireland *men cummand in* Scottis *Schippis.*

ITEM, That quhen he cummis in onie Haven of *Scotland*, that he ryde on anker, and hald within ſhipbuird all men that he bringis with him,quhill he ſend for the Kingis Baillie, or a Depute of the towne of the Haven, that he cummis in, that then men may examine and ſee of the Kingis behalfe their perſones, and quhat charge they haue be letter

or vther way, quhidder it be profite or prejudice to the King, or the Kinrik: And gif onie prejudice of the deede be founden, they ſal be arreiſted, and preſented to the Schireffis priſon, quhill the King haue done his will on them.

64 *The ſtatute anent* Ireland *men.*

ITEM, That it be maid manifeſt be the Kingis deputes vpon the Frontiers, that is not done for hatred, nor breaking of the auld friendſhippe betuixt the King of *Scotland* and his Liedges: and the gude aulde friendſhippe of *Iriſchrie* of *Ireland*: Bot allanerlie to eſchew the perrell foreſaide. And gif onie man attempts in the contrarie of this, his gudes ſalbe eſcheit to the King, and his bodie at the Kingis will.

65 *Of the Seßion to be halden: of their power and expenſes.*

ITEM, OVR SOVERAINE LORDE the King, with conſent of his Parliament hes ordaned, that his Chancellar, and with him certaine diſcreete perſones of the three Eſtaites, to be choſen and depute be OVR SOVERAINE LORDE the King, ſall ſit fra thine foorth three times in the zeir, quhair the King likis to command them: Quhilk ſall knaw and examine, conclude, and finallie determine all and ſindrie complaintes, cauſes and quarrelles, that may be determined before the King and his Councell. The quhilkis perſones ſall haue their expenſes of the parties founden faultiſe, and of their vnlawes: or vtherwiſe, as is pleaſand to our SOVERAINE LORD the King.

66 *That euerie man that hes nocht of his awin, ſall labour for his liuing.*

ITEM, The King with conſent of his Parliament, hes ſtatute and ordaned, that ilk Schireffe of the Realme within his Bailliarie, inquire diligentlie, gif onie idle men, that hes not to liue of their awin, be receiued within his boundes: after the quhilk inquiſition, the Schireffe ſall gar arreiſt ſik idle men, and gar keepe them in faſteneſſe quhill it it be knawin, quhairupon they liue. And that the countrie ſalbe vnskaithed of them: Thereupon the Schireffe ſall receiue gude and ſicker burrowes. After the quhilk burrowes founden, the Schireffe ſall aſſigne fourtie daies to ſik idle men to get them Maiſters, or to faſten them to lawfull Craftes. And they, fourtie daies beand gane, gif they be founden mair idle, the Schireffe ſall arreiſt them againe, and ſende them to the Kingis priſon, to abide and be puniſhed at the Kingis will. And that this be done alſweill in Burrowes, as on lande throw all the Realme.

67 Anent the extract and execution of the Actes of Parliament.

ITEM, The King with conſent of his thre Eſtaites of the Realme hes ordained, that all ſtatutes and ordinances of this Parliament, and of the twa Parliamentes preceidand be regiſtrate in the Kings Regiſter, and given to the Schireffes: quhilkis ſtatutes & ordinances, ilk Schireffe be halden to publiſh openlie in the chiefe place of his Schirefdome, & vtheris notabill places, and áls to give the copies of them baith to Prelates, Barrones, and Burrowes of his Bailliarie, vpon the expenſes of the askers: And that ilk Schireffe gar be keeped the tenour of this Acte, vnder the paine of depriuation of his Office. And that ilke Schireffe giue open bidding to the people of his Bailliarie, baith to land, and to Burgh, to keepe and fulfil all ſtatutes and ordinances maid in the ſaidis three Parliamentes, vnder the paine conteined in the Actes of them, ſwa that nane haue cauſe till pretend, or alleage onie ignorance.

FINIS.

THE FOVRTH PARLIAMENT OR ASSISE OF KING IAMES the First, of weichtes and measures,

halden at *Perth*, the elleuenth of *Marche*, the zeir of God, ane thousand, foure hundreth, twentie sex zeires; And of his Kinrik the twentie ane zeire.

68 *Anent the measure of the Elne.*

IN THE First they ordaned and deliuered, that the Elne sal conteine thrittie seuen inche, as is conteined in the statute of King *David* the First, made thereupon.

69 *What the stane sall conteine.*

ITEM, They ordaned and statute, the stane to weygh iron, wooll, and vther Merchandice with, to conteine fiftene pound *Trois*, ilk *Trois* pound to conteine sextene ounce, and that stane to be divided in halfe stane, quarter, halfe quarter, pound, halfe pound, and vther smaller

70 *Of the diuision and quantitie of the Boll, firlot, and water weichtes.*

ITEM, They ordaned the boll to mette victuall with, to be diuided in foure partes, *videlicet*, foure firlottes to conteine a boll, and that firlot not to be maid after the first measure, nor after the measure now vsed, but in middle measure betuixt the twa.

ITEM, The boll sall conteine in breadth twentie nine inches within the buirdes, and abone twentie seuen inches and a halfe, euen over-thort, and in deepenesse nineteene inches. ITEM, the firlot sall conteine in breadth euen ouer-thort sextene inches vnder and abone within the buirdes, the thickneſſe of baith the buirdes sall conteine ane inche and ane halfe, and in deepenesse it sall conteine nine inche, the half

halfe Firlot, and the pecke thereafter followand, as effeiris. The Firlot ſall conteine twa gallounes and a pynte: And ilke pynte ſall conteine be weicht of cleare Water of *Tay*, fourtie ane ounce: That is to ſaie, twa poundes and nine ounces *Trois*: Swa weyis the Galloune twentie pounde and aucht ounces: Swa weyis the Firlot fourtie ane poundes, and the Boll conteinand foure Firlottes, weyes aucht-ſcoir foure pounds. The aulde Boll firſt maid be King DAVID the Firſt, conteined a ſexterne, a ſexterne conteined twelue gallownes of the aulde mette: And ilke gallowne weyed ten pound *Trois*, and foure ounce of diuerſe Waters. Swa weyed the Boll ſex-ſcore three pounds, ſwa weyis the Boll new maid mair, then the auld boll xxxxj. pound, quhilk makis twa gallownes and a halfe, and a choppen of the auld mette, and of the new met ordaned nine pyntes and three mutchkinns.

71 *Anent vnlawes for burning.*

ITEM, As anents fire, it is ſeene ſpeedefull that in ilk Burgh, or greate Haven towne, and throuch-faire that is greate, that the Aldermen, Baillies, or the Governoures of the Tounes, ſee and gif bidding within their Tounes, that na Hempe, Lint, Stray, Haie, Hedder, nor Broome be put neare the fire, nor abone the low in fire houſes. And this be them ſelfe or men vnder them, be ilk Moneth ſeene, and quha ſa after forbiding maid till him, be founden faultiſe, ſall paie ane vnlaw, as faltiſe, in Burgh, als oft times hee is founden faltiſe and vnforgiuen. And gif the Aldermen, Baillies or Governoures, of the Tounes be negligent in the execution thereof, they ſalbe in fourtie ſchillinges to the King.

72 *Sellers of Haie and ſtraie ſuld haue ane Lanterne.*

ITEM, That Sellers of Haie or Fodder in Burgh, cum not to their Haie-houſe with candle, but lanterne, vnder the paine of the ſamin vnvnlaw, als oft as he beis founden faltiſe.

73 *That certaine ledders be founden ay reddie in the Burgh, for happening of fire.*

ITEM, That in ilk Burgh their be ordaned of the commoun coaſte, ſex, ſeven or aucht Ledders, after the quantitie of the Burgh: twentie fute the ledder, and that they be keeped in a reddie place of the toune, and to that vſe and nane vther, vnder the paine of the foreſaid vnlaw. And of the ſamin wiſe there be ordaned three or foure Sayes to the commoun vſe, and ſex or maa Cleikes of iron, to draw downe Timber and Ruiffes that ar fired.

74 Of

74 Of commoun women and huires.

ITEM, That commoun women be put at the vtmoſt endes of the Towne, quhair leaſt perrell of fire is: and that na man ſet them houſes in the heart of the toun, vnder the paine of ane vnlaw, or zit receipt them vnder the ſamin paine.

75 Of fire, and the paines thereof.

ITEM, Gif burning happenis in onie towne, fra the Fyre be ſtanched, the Alderman, Baillies, and Gouernours of the Townes, incontinent ſal inquire quhom throw, & how the fire happened, & it be foũden on purpoſe deed, forefaultour ſalbe punitiõ to them, And gif it happenis of miſgovernance, & not of ſet purpoſe: if it be a ſeruand & that ſervand haue guds, he ſalbe puniſhed in his guds, be the ſight of the governoures of the toune, and given to the man that thoilis the skaith, and ſine baniſhed the freedome for three zeires: And gif the ſervand hes na gudes, he ſalbe doungin openlie at the mercat-croce, and throw the Toune, and ſine baniſhed that freedome for ſeven zeires.

ITEM, Gif it be a man that awe the houſe, and burnis it rekleſlie, or his wife, or his awin bairnes, quhidder his nichtbours takis skaith or nane, attour the skaith and ſchame that he thoilis, he or they ſhalbe baniſhed that toune for three zeires. And gif it be ane man that maillis the houſe, and burnis it rekleſly, he ſall amend the skaith after his power, and be baniſhed the toun for three zeires. And gif it be a ſtranger or a traveller, he ſalbe arreiſted: gif he be of power, to amend the skaith and if he be not of power, he ſal byde in ſickerneſſe at the Kings wil.

ITEM, Gif the Baillies and Governours of the toune, findis na man in wyte, bot of ſuddaine caiſe that may not be foreſeene, as wilde-fire, Rattones, or fowles, or ſik likeneſſe, the law leauis it vnpuniſhed.

ITEM, Gif the Gouernoures of the Towne be negligent in the execution of their office, and this ordinance foreſaid in onie poynt, we leaue them in ten pounds to the King of vnlaw.

ITEM, That na fire be fetched fra ane houſe till ane vther within the Toun, bot within covered weſhel or lanterne, vnder the paine of ane vnlaw.

ITEM, Gif fire happenis in husband Tounes of Barronies, we leaue them to be puniſhed be their Lordes, in like maner as Baillies and Governours dois in Burgh.

FINIS.

THE

THE FIFTH PARLIAMENT OF KING JAMES the First, halden at PERTH, the laſt daie of *September*, the zeir of God, *ane thouſand foure hundreth twentie* ſex zeires.

76 Anent the cuſtomes of Salmond and vther fiſh.

ITEM, It is ſtatute and ordaned, that cuſtome be payed to the King, alſweill of indwellers within the realme, as of fremmed men, in onie Burrowes of the Realme: And as of ſtrangers and vnfreemen, of all Salmound and fiſh ſauld and bocht, and had outwith the Realme, out of onie Burgh of the Realme.

77 Of deakones of Craft and their office.

ITEM, The King of deliverance of Parliament hes ordaned, that the Deakons of crafts in Burrowes, ſtande till the nixt Parliament, in the maner as after followis: that is to ſay, that the Deakon of ilk craft, ſal haue na correction of the Craft, nor of na man thereof, bot allanerlie to ſee that the warke-men be cunnnig, and the warke ſufficient, the quhilk he ſall aſſay and examine euerilk fifteene daies anis.

78 Of the fees of craſteſmen, and price of their warke.

ITEM, It is ordaned, that the Aldermen and the councel of ilk toun ſworne, ſall ſee and priſe the mater, and the coaſt, and the travell of the warke man, and thereafter priſe the made wark, how it ſalbe ſauld, & that price make knawin to the Kings commouns and be oppen cryed.

79 Of the fees of warkmen.

ITEM, It is ordaned that the councel of the Toun ſall ſee and ordane quhat fee wark-men ſall haue for their handling of their craft, that woorkis vther mennes warks, as wrichtes, Maſones, & vther ſiklike.

80 Of wrichtes and Maſones.

ITEM, For quhy, that it is complained to the King & his Councell, that Wrichtes and Maſones takis attanis on hand monie warkes, quhilkis

quhilkis they may not, nor will not fulfill at the time they hecht, throw the quhilk the Kingis lieges ar skaithed, and the honour and profite of the land letted. Therefore it is ordaned be the King and the Parliament, that it be cryed in ilk towne openlie, that na warke-man take mair warke on hand, then he may gudlie fulfill after his cunning, vnder the paine of tinsell of the price of sa meikle warke that he takis on hande, then he may gudlie fulfil to the King, and of the fullfilling of the warke that he takis on hand, vpon his awin coast. And alswa quhair a warke-man, outher wilfullie or vnrichteouslie, lettis to fulfill the warke that he hes tane on hande, that ane vther man of that ilk craft, refuse not to take that on hande for reasonable fee, vnder the paine of punishing of him at the Kingis wil, swa that he be a warke-man knawin, and hes then nane vther warke on hande.

Of wark men delayande to ende their warke

81 *Of sawing and labouring of the ground.*

ITEM, The said day, our Soveraine Lord the King, with consent of the haill Parliament ordaned, that throw all the Realme, ilk man teilland with a pleuch of aucht Oxen, sal saw at the least ilk zeir a Firlot of quheate, halfe a firlot of pease, & 40. beanes, vnder the paine of x.s. to the barrone of the land that he dwellis in, if he sawis it not, & as oftas he beis founden faultise. And gif the Barronne sawis not the said corne in like maner in his Domaines, he sall paie to the King fourtie shillinges: And gif the Barronne be founden negligent in the raising of the saide paine on his husbandes, there salbe raised on him fourtie shillinges, als oft times as he defaultis, without remission.

82 *Anent the bigging of Castles in the* North.

ITEM, It is ordaned, that euerilk Lord hauand land bezond the *Month*, in the quhilkis landes in aulde times their was Castles, Fortalices and Manour-places, big, reparrell, and reforme their Castles & manours, & dwel in them be them selfes, or ane of their friendes, for the gratious governall of their landes be gude policie, and to expende the frute of their landes, in the Countrie, quhair the landes lyes.

FINIS.

THE

PARLIAMENTVM

SEXTVM TENTVM APVD PERTH, DIE MARTIS, PRIMO DIE MENSIS IVLII, ANNO DOMINI, MILLESIMO, QVADRINgenteſimo, Viceſimo Sexto; Et Regni Domini noſtri Regis, IACOBI, *viceſimo ſecundo, ſummonitis & vocatis more ſolito & debito Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & alijs regni Liberè-tenentibus, qui de dicto Domino Noſtro Rege tenent in capite, & de quolibet Burgo regni certis Burgenſibus, qui ad hoc ſummoniti fuerunt, comparentibus omnibus illis qui debuerunt & voluerunt commodè intereſſe, Abſentibus quibuſdam alijs, quorum quidem aliqui legitimè excuſati fuerunt: alij verò quaſi per contumaciam ſe abſentauerunt, quorum nomina patent in rotulis ſectarum, quorum quiſque adiudicabatur in amerciamento decem librarum.*

83 That judges ſalbe ſworne to determine all cauſes after their cunning.



Odem Die Rex, per modum ſtatuti, ordinauit, quod de hinc omnes & ſinguli ad quaſcunque cauſas & querelas terminandas, in quocunque futuro Parliamento eligendi, iurabunt ad Sancta dei Evangelia, vt omnes & ſingulas cauſas & querelas coram eis proponendas & terminnadas abſque fauore vel odio, fraude ſeu colore aliquo, iuxta ſuas ſcientias, fideliter & iuridicè terminabunt.

84 That na Clerkes nor laïcks pas furth of the Realme: And of their finance.

DIE Lunæ, ſeptimo menſis Iulij *Anni ſupradicti, Rex ex conſenſu totius Parliamenti, ſtatuit & ordinauit, quòd omnes & ſinguli clerici regni ſui ad partes vltramarinas, quacunque de cauſa navigantes, ſeu ſe transferentes, faciant cambia ſua de moneta, pro eorum expenſis extrà regnum faciendis, cum campſoribus infra regnum conſtitutis, vel ſaltem cum mercatoribus infrà regnum, de quo cambio ſuo, & cum quo campſore vel mercatore facta fuerint, certificent Can-*

cellarium Domini noſtri Regis pro tempore exiſtentem, & de tranſitu ſuo extra regnum. Laicus vero quicunque ad partes vltra-marinas ſe transferens, teneatur conſimiliter facere cambia ſua infra regnum, vt præmittitur, ſuper quo certificet Camerarium Scotiæ *per ſufficientia documenta, & de cauſa tranſitus ſui, ſub pœna viginti librarum, vſibus Domini noſtri Regis, applicandarum.*

Anent Hoſtellares.

ITEM, *Eodem die Rex mandavit vniuerſaliter omnibus Burgenſibus de regno, quod faciant fieri hoſtellaria ſeu hoſpitia publica in Burgis, honeſta & competentia more aliorum regnorum, ad recipiendum omnes & ſingulos hoſpites, tam pedeſtres, quàm equeſtres per regnum laborantes, ſub pœna ſuper hoc in acto Parliamenti conſtituta.*

85 Of downe-putting of Deakones of Craftes.

DIE *Veneris, videlicet vndecimo menſis ſupradicti, quia ordinationes factæ in Parliamentis præcedentibus, ſuper artificum Decanis in Burgis regni, tendebant ad noxam & cõmune totius regni diſpendium, Rex ex trium Regni ſtatuum deliberatione, ipſas ordinationes reuocauit, & illas totaliter annullauit, inhibendo de cetero, ne tales Decani in aliquibus regni burgis, inter artifices eligantur, nec etiam aliàs electi, vlteriùs exerceant officia Decanorum, nec faciant ſuas congregationes conſuetas, quæ conſpirationes ſapere præſumuntur.*

86 The forme of Proces, and the paine of the judge not keipand the ſamin.

ITEM, *Eodem die ad parcendum expenſis & vexationibus pauperum in curia ſpirituali litigantium, & ad breuiandum lites, pro expedienti fuit ordinatum in cauſis ciuilibus & prophanis, quod ad inſtantiam laici actoris, clericus reus citetur per ſuum ordinarium, vel eius officialem ad certum diem peremptoriè, apponendo cauſam in citatione, propter quam reus citatur ad comparendum ſcilicet, reſpon ſurus ſub pœna excommunicationis: Quo die aduenient, reus habet litem conteſtari. Quod ſi reus fatetur petitum, monea tur ad ſoluendum infra quindecim dies, ſub pœna excommunicationis: ſi vero deneget petitum, aſſignetur terminus actori, ad producendum omnes ſuas probationes peremptoriè, iuxta arbitrium Iudicis: Quo die aduenient, & receptis huiuſmodi probationibus, aſſignetur terminus reo ad producendum omnes ſuas exceptiones & defenſiones peremptoriè, iuxta arbitrium iudicis: Quo aduenient receptiſque exceptionibus & defenſionibus, aſſignetur terminus ad concludendum & ad ſententiam diffinitiuam proferendam, ſi liqueat: ſic quòd infra quadraginta dies, à tempore executæ citationis ſententia feratur, à qua nulla pars friuolè appellet, nec iudex tales appellationes admittat. Et ſi iudex infra quadraginta dies, propter defectum vel negligentiam non fecerit complementum Iuſtitiæ, vel friuolas exceptiones admittat, & de hoc coram ſuo ordinario conuictus fuerit, ſit ipſe debitor principalis parti conquerenti. Et quòd iſtud ſtatuatur de preſenti authoritate concilij prouincialis.*

87 Of

87 Of the election of the Ouerſ-man in arbitrie.

ITEM, *Ordinatum eſt ſuper omnibus & ſingulis cauſis, infra regnum, nunc pendentibus ſub compromiſſo, ſi inter clericos arbitri ſint electi in pari numero, per dioceſanũ Epiſcopum, de conſilio ſui capituli, diſpar perſona, partibus non ſuſpecta, eligatur. Si vero inter Barones vel quoſcunque alios laicos, extra burgum commorantes, tunc eligatur diſpar perſona neutri partium ſuſpecta per Vicecomitem, infra cuius balliam partes compromittentes commorantur, de conſilio tamen Baronum, quos Vicecomes ille commodè pro tempore habere poterit, neutri partium ſuſpectorum. Si autem inter Burgenſes, ſeu alios habitantes infra burgos arbitri ſint electi, tunc diſpar perſona non ſuſpecta, per Præpoſitum & concilium burgi, infra quem partes inhabitant, eligatur. Ad negotia vero cauſas & lites futuras per arbitria terminandas, arbitri de certo in diſpari numero & non in pari eligantur. Arbitria autem aliter inita & facta, nullius ſint roboris vel momenti.*

88 That the cauſe of all Merchandes, deede out-with the the Realme, be decided within.

ITEM, *Eodem die Rex, ex deliberatione trium ſtatuum in Parliamento congregatorum, decrevit, quod cauſæ omnium mercatorum & incolarum regni* Scotiæ *in* Zelandia, Flandria, *vel alibi extra regnum decedentium, qui ſe cauſa mercandiſarum ſuarum, peregrinationis, vel aliqua quacunque cauſa (dummodò cauſa non morandi extra regnum) ſe tranſtulerunt, debent tractari coram ſuis ordinarijs infra regnum, à quibus ſua teſtamenta confirmantur, non obſtante quòd quædam ex bonis hniuſmodi decedentium, tempore ſui obitus, fuerunt in* Anglia, *vel in partibus tranſmarinis.*

89 The manſlayer ſuld be perſewed, vntill he be put foorth of the Realme, or brocht againe to the place of the ſlauchter.

IN. The firſt, quhair onie man beis ſlaine within the Realme, alſweill within Regalitie as within Royaltie: and in Burrowes as to land, that incontinent without delay, als faſt as the Schireffe beis certified thereof, outher be the partie, or be onie vtheris; he ſall paſſe and perſew the ſlayers ane or maa, and raiſe the Kingis horne on them, and raiſe incontinent the Countrie in his ſupporte, quhill he be over-tane. And gif he may be overtane, he ſalbe put in ſicker faſtenance, quhil the law be done on him: And that ſalbe done within fourtie daies at the fartheſt: and be it reid hand, it ſalbe done within that ſumme. And gif he eſcape out of that Schireffedome vn-arreiſted, the Schireffe ſall write or ſend ane of his officiares to the Schireffe of that nixt Schireffdome, and certifie him of ſik men, that hes done ſik fellonie againſt the King, and ar fugitiue fra the Law, and then ſall that Schireffe perſew him or them out throuch his Schireffedome, in the ſamin maner, as the other did before, without delay. And ſwa foorth fra Schireffe to Schireffe, quhill he be over-tane,

or put out of the Realme. And gif he happenis to flie in regalitie, out of the Royaltie, the Schireffe ſall certifie the Lord of regalitie, or his ſtewart or Baillie, the quhilk ſall perſew the treſpaſſour in like maner as the Schireffe, as is foreſaid. And quhair euer he happenis to be takin, that Schireffe, Stewart or Baillie of the Regalitie, ſall ſend him to the Schireffe or his Baillie of the nixt Schireffedome, the quhilk ſal receiue him, and ſend him to the nixt Schireffe, and ſwa foorth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deede was done, and there ſal the Law be miniſtred to the partie, as is foreſaid: And gif it be fore-thoucht fellonie, he ſall die therefore.

90 He quha is fugitiue for ſlauchter, ſuld be openlie proclaimed, and his receipters puniſhed.

AND Gif it happenis the man fugitiue to eſcape throw diverſe Schireffedomes, that Schireffe or Schireffes, that he hes eſcaped fra, ſall paſſe to the chiefe Burgh of his Schireffedome, and there gar cry openlie and proclaime, that ſik a man hes done to the King ſik a fellonie and treſpaſſe againſt his Majeſtie, and is fugitiue fra the Law: and there forbid that na man houſe nor herberie him, receipt him, or giue him ſupport or helpe in onie degree, vnder the paine of life and gudes.

91 Of ſlauchter in the Barronie.

ITEM, Gif a man be ſlaine in the Barronnie, the Barronne or his Officiares ſall arreiſt him, and gif he be infeft with ſik freedome, he ſall do the law, as is before ſaid, or elſe preſent him to the Schireffe or his Miniſters: and eſcaipe he vn-arreiſted out of the Barronnie, and afterward it may be knawin be an aſſiſe, before the Iuſtice or the Schireffe, that the Barronnie micht haue arreiſted him, and outher for ſleuth or fauour let him paſſe vnarreiſted: The Barronne ſal pay to the King twenty punds. And eſcaip he in the default of the Barronne, Serjant, or Baillie of the Barronie, they beand required or warned, if they be not of power to pay twentie pounds, they ſal remaine in the Kingis priſon, quhill they ouertake the Kingis will thereupon.

92 Of ſlauchter in Burgh.

ITEM, In like maner ſall the Officiares of the Burgh doe, gif onie man be ſlaine within Burgh, they ſall take him gif he may be ouertane, and put in ſuretie, quhill the judge may be warned, that hes power to do the Law, and gif the Aldermen and Baillies hes na power to do the law, there the judge havand power ſall receiue the treſpaſſoure, and miniſter the Law within the time foreſaid.

93 Of ſlauchter in Regalitie, and officiars thereof.

ITEM, It is ſtatute, that gif ony Schireffe or Miniſter of Regalitie, that miniſteris not the Law, as is before ſaid, and that may be ouer-taken on him

him,outher be an assise before the King or his Iustice, or be witnessing of gud, worthy & trew men,that is to say,three or foure, or fiue,or maa, he salbe in the Kingis prison fourtie daies, and to pay the King fourtie poundes,and the croy to the narrest of the kin of the slaine man.

94 Of the Lord of Regalitie, and Magistrates within Burgh negligent in their offices.

ITEM, It is statute, that gif the Lord of Regalitie be warned,and executis not the Law, nor garris his Officiars execute it, as is before said, he salbe in like paine to the King, as is the Schireffe. And gif the Ministar of the Regalitie faillis in the execution,as is before said, he salbe punished be the Lord of regalitie,in maner as the Schireffe salbe punished be the King. And richtswa Alderman and Baillies in Burgh, salbe punished be the Kingis Iustice, gif they failzie in the execution of the Law, as is foresaid.

95 Of inquisition of fore-thought-fellonie,to be taken be an assise.

ITEM, It is statute, that gif onie man barganis outher in burgh or land,quhidder that the partie pleinzie or not,that the officiars,that is to say,Alderman,Baillies,or the Serjandes in the absence of the baillies, sall arreist baith the parties, and that samin day, gif it be before the Sun goe doune,and an halie-daie,sall giue them the knawledge of ane assise, quhidder it he fore-thought fellonie or suddainelie done. And gif it be suddainelie done, demaine them as the Law treatis of before,and gif it be fore-thoucht-fellonie, his bodie to be put in prison, quhill he amend to the partie,be the sight of leil and trew men before the Schireffe, gif it be Royaltie: and richtswa before the Lord or his Baillies in the regalitie, and before Alderman and Baillies in Burgh , he sall garre amendis bee maid after the quantitie of the tresspasse done to the partie, and demained syne as Law will.

96 Of the Fugitoure in fore-thought-fellonie,fra burgh to lande.

BE the advise of the hail Parliament,it is statute & ordaned,gif sik bargane happenis to be in burgh,& be called fore-thocht fellony,& the deed-doar eschaip vn-arreisted fra the Alderman and Officiares of the Towne,and flies the Law but delaie; the Alderman or Baillies sall write to the Schireffe or the Officiares to the Regalitie quhair he happenis to be receipt,& certifie them of his misdeede,and that he is fugitiue fra the Law , and then sall they persew him as a fugitiue , and send him againe quhair the deed was done , and to abyde the Law but delay , after as he hes maid default.

97 Iniurie or ſlauchter done be him, quha is friend to aſſured perſones.

ITEM, It is ſtatute, that quhair two parties diſcordis, and after are put vnder burrowes, ilk ane aſſured of vthers, and their purchaſe, after that anie of their friendes thinks, that thocht the principall parties be aſſured, hee is not aſſured, cummis and outher hurtis or defoulis the partie that is contrary to his friend or ſlayis: And gif he ſlayis, he ſall die therefore, and tyne all his guds, as eſcheitte to the King, and gif he hurts or defouls with fellonie aſſailzieand with edge or vre, he ſal remaine in priſon but remeid, quhill aſſyith be maid to the partie, and amendis to the King, or to the Lord, that it belangis to, as effeiris.

98 The Countrie men nocht aſsiſtand the Schireffe ſuld be puniſhed.

ITEM, Gif it happenis the Schireffe, to perſew fugitoures with the Kingis horne, as is foreſaid, and the Countrie riſe not in his ſupport, they, al or parte, hearand the Kingis horne, or beand warned be the Maires, and followis not the out-horne, and that may be ouer-tane vpon them be ane aſſiſe before the Schireffe, ilk Gentle-man ſall paye to the King vnforgiuen fourtie ſhillings, and ilk zeaman twentie ſhillinges.

99 That Maires and Seriands haue wandes and Hornes.

ITEM, Fra thine foorth, it is ſtatute and ordaned, that ilk Officiar of the Kingis, as Maire, or Kingis Serjand, and Barronne Serjand, ſall not paſſe in the Countrie, nor Barronne Serjand in the Barronnie, but ane horne and his wand, and that ſalbe in this maner.

The Kingis Officiar as is foreſaid, ſall haue an horne, and ilk ane a read wande of three quarters of ane zairde lang at the leaſte, and the Officiars of the Regalitie ane Wand of the ſamin length, th'ane end reade, th'other ende quhite, and ane horne quhair he paſſis within the Regalitie. The Barronne Serjand ane horne and a quhite wand of ane elne lang, the Serjand of the Burgh ane reade wand allanerlie, like the Kingis Officiar, and als oft as he beis founden without his wand in the Burgh, hee ſall paie aucht ſhillinges vn-forgiuen to the Kinge: and there-at toure to abide challenged before the Chalmerlaine. And gif the Kings Serjand hes not horne and wand, as is foreſaid, he ſalbe challenged before the Schireffe at the heade Courtes. And he be convict, he ſall paie fourtie ſhillinges to the King. And richtſwa the Serjand of the Regalitie ſalbe challenged at three heade Courtes before the Lorde of the Regalitie. And he be convict, he ſall paie till his Lorde fourtie ſhillinges. And gif the Barronne Serjand defaultes, he ſalbe puniſhed after the vnlaw of the Barronne Courte. And that ilk Serjand be thus purwayed be xv. daies nixt after *White-ſundaie* nixt to cum.

FINIS.

IN PARLIAMENTO

SEPTIMO VEL CONCILIO

GENERALI ILLVSTRISSIMI PRINCIPIS *DOMINI* IACOBI, *DEI GRATIA, REGIS* SCOTIÆ, tento apud *Perth*, primo die Menſis *Martij*, Anno domini Milleſimo *Quadringenteſimo viceſimo ſeptimo: Et Regni Domini regis viceſimo tertio, cum continuatione dierum & temporum, ſummonitis & vocatis more debito & ſolito, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & Liberè-tenentibus, qui de domino noſtro rege tenent in capite, & de quolibet Burgo certis Burgenſibus, comparentibus omnibus illis qui debuerunt, voluerunt, & potuerunt commodè intereſſe, quibuſdam vero abſentibus, quorum aliqui legitimè excuſati fuerunt, alijs ſe contumaciter abſentantibus, quorum nomina patent in Rotulis ſectarum, quorum quilibet adiudicatus fuit in amerciamento decem librarum, ob ſuam contumaciam.*

100 Of them that hes Merchandice out of the Realme vncuſtomed.

IE Veneris, quinto menſis Martij *ſupradicti:* The King with conſent of the three Eſtaites, ſtatute and ordaned, that they that hes out of the realme merchandice, not payand the cuſtome, outher gold or ſilver, gif they be preſent or convict, or gif they be out of the Countrie, gif the King hes cleare document thereof, that without onie doome they be baniſhed, and vther paines maid againſt them, ſtandād nevertheles in their force, out-takand them that is in hoſtage for the king in *England*, for quhais coſtage how it ſalbe maid, the King ſall ordane the maner.

101 That ſmall Barronnes and freehalders needis not to come to Parliamentes.

ITEM, The King with conſent of the haill Councell, generallie hes ſtatute and ordained, that the ſmall Barrones and free tennentes neid not to cum to Parliaments nor general Councels, ſwa that of ilk Schirefdome their be ſend, choſen at the head Court of the Schirefdome, twa or maa wiſe men, after the largenes, of the Schirefdome, out-tane the Schirefdomes of *Clakmannan* and *Kinroſſe*, of the quhilkis ane be ſende

of ilk ane of them, the quhilk ſal be called Commiſſares of the Schire, and be thir Commiſſares of all the Schires ſalbe choſen ane wiſe man and expert, called the commoun Speaker of the Parliament, the quhilk ſall propone all and ſindrie needis and cauſes, perteining to the commounes in the Parliament or generall Councell, the quhilkis Commiſſares ſal haue ful and haill power of all the laif of the Schireffedome, vnder the witneſſing of the Schireffis ſeale, with the ſeales of diuerſe Barronnes of the Schire, to heare, treate, and finallie to determine all cauſes to be proponed in Councell or Parliament: The quhilkis Commiſſares and Speakers, ſall haue coſtage of them of ilk Schire, that awe compeirance in Parliament or Councel, and of their rents, ilk pound ſal be vtheris fallow to the contribution of the ſaid coſtes. All Biſhoppes, Abbottes, Priors, Dukes, Erles, Lordes of Parliament, and Ban-rentes, the quhilkis the King wil be receiued and Summound to Councel and Parliament, be his ſpeciall precept.

102 The price of ilk warkmanſhippe.

ITEM, It is ſtatute and ordaned, that men of craftes within burrowes, ſall haue for a zeir to cum, of euerie craft a Wardane, choſen be the councell of the Burgh: The quhilk Wardane with Councel of vther diſcreete men vnſuſpected, aſſigned till him be the ſaid Councel, ſall examine and priſe the mater and the warkman-ſhippe of ilk craft, and ſet it to a certaine price, the quhilk gif onie breakis, the ſaid Wardane ſal puniſh the breakers in certaine paine, quhom gif he puniſh not, the Alderman, Baillies and Councell of the Burgh, ſall puniſh them in certaine paine: quhom gif they puniſh not, the King ſall haue a certaine paine of that Burgh. The paine of the breakers of the price ſalbe eſcheit of the ſamin thing, of the quhilk the priſe beis broken of, to be applyed th'ane halfe to the Wardaine of that Crafte, and th'other halfe to the commoun woorke of that Burgh, quhair it beis ſeene maiſt expedient. The paine of the priſer gif he bee negligent and puniſh not, ſall bee in the vnlaw of the Burrow Courte, als oft as hee beis convict culpable and faultiſe, ſalbe applyed for the halfe to the commoun purſe of the Toune, and for th'other halfe, quhair it beis maiſt expedient, to the wark of the toune. The paine of the Alderman, Baillies and Councell of the Burgh, that beis negligent in the puniſhing of the ſaid Wardan, als oft as they default, ſalbe in ten pund to the King, and ſal be raiſed after that they be challenged and convict be the Chalmerlaine and his deputes in the Chalmerlaine air, ance in the zeir. The quhilk ordinance ſalbe extended to Maſones, wrichtes, Smithes, tailzeoures, Wobſtares, and all vthers in likewiſe generallie, quhais fees and handling ſalbe pryſed, as is before ſaid. And attoure to Landwart in Schireffedomes ilk Barronne ſall garre priſe in their Barronnies and puniſh the treſpaſſoures, as the Wardane dois in the Burrowes, and gif the Barronne dois not, the Schireffe ſall puniſh the Barronne, and gif the Schireffe dois not, they ſall bee in amercement to the King, as the Alder-man, Baillies,

and councell in Burrowes, ſall inquire ilk moneth at the leaſt, gif the Wardenis of the craftes price weill, and puniſh the treſpaſſoures: and gif onie man complainis of over greate price, or of the breaking of the price, maid or ſet to the Aldermen, Baillies, and councell: that they puniſh the breakers of the price, and garre the partie complainand be aſſyithed, vnder the paine foreſaid.

103 Of Beggers.

ITEM, The King hes ſtatute, with conſent of his hail Parliament and councell, and eiked to the ſtatutes maid in his Parliament of Beggers: that in Burrowes, the Chalmerlaine in his air ilk zeir ſall inquire, gif the Aldermen and Baillies haue keeped the ſtatute: And gif they haue broken it, they ſalbe in fourtie ſhillinges to the King.

104 The Woolfe *and* Woolfe-birdes, *ſuld be ſlaine.*

ITEM, It is ſtatute and ordaned be the King, with conſent of his haill councell, that ilk Barronne within his Barronnie in gangand time of the zeir, chaſe and ſeeke the quhelpes of the *Woolfes*, and gar ſlaie them, And the Barronne ſall giue to the man that ſlayis the *Woolfe* in his Barronnie, and bringis the Barronne the heade, twa ſhillinges. And quhen the Barronnes ordanis to hunt and chaſe the *Woolfe*, the tennentes ſall riſe with the Barronne, vnder the paine of ane Wedder of ilk man, not riſand with the Barrone. And that the Barrones hunt in their Barronnies and chaſe foure times in the zeir, and als oft, as onie *Woolfe* beis ſeene within the Barronnie. And that na man ſeeke the *Woolfe* with ſchot, but allanerlie in the times of hunting of them.

105 Anent Lipper folke.

ITEM, That na Lipper folke, nouther man nor woman, enter nor cum in an Burgh of the realme, bot thriſe in the oulk, that is to ſaie, *Monondaie*, *Wedneſdaie*, and *Fridaie*, fra ten houres, to twa after noone; And quhair Faires and Mercattes fallis on thay dayis, that they leaue their entrie in the Burrowes, and gang on the morne to get their living.

ITEM, That na lipper folke ſit to thig, nouther in Kirk nor in Kirke-zaird, nor vther place within the Burrowes, bot at their awin Hoſpital, and at the Porte of the towne, and vther places out-with the Burrowes.

ITEM, that the Biſhoppes, Officialles, and Deanes inquire diligentlie in their viſitation of ilk Paroche Kirk, gif onie be ſmitted with Lipper. And gif ony ſik be foundin, that they be deliuered to the King, gif they be ſeculares: And gif they be Clerkes to their Biſhoppes. And that the Burgeſſes gar keepe this ſtatute, vnder the paine conteined in the ſtatute of Beggeres. And quhat Leprous that keepis not this ſtatute, that he be baniſhed for ever off that Burgh, quhair he diſobeyis, and in likewiſe to Landwart.

106 Anent

106 Anent the passage of Clerkes out of the Realme, and of Barratrie.

ITEM, It is statute and ordained, that na Clerkes, religious nor seculare, passe out of the Realme, bot gif he cum to his ordinar first, or then to the Chancellar of the Realme, and schaw to them gude and honest cause of his passage, and mak faith to them, that he do na barratrie and haue his letters of licence and witnessing thereupon. And gif onie dois the contrarie, or makis Barratrie, fra it be kend with sufficient and gude document, that he vnderly the statute maid againſt them that hes money out of the Realme. And that this statute be not allanerly extended to them, that dois barratrie in time to cum; bot als to them outwith the Realme now, that beis convict of barratrie. And als the King forbiddis, that onie of his lieges send onie expenses till ony barratour, that is now out-with the Realme, or giue them helpe or fauour, in quhat degree that euer they atteine to, quhill they cum hame in the Realme, vnder the paine of breaking of the act of Parliament.

107 That nane interpreit the Kingis statutes wrangeouslie.

ITEM, The King of deliverance of councell, be maner of statute forbiddis, that na man interpreit his statutes vtherwaies, then the statutes beares, and to the intent and effect, that they were maid for, and as the maker of them vnderstoode: And quha sa dois the contrarie, salbe punished at the Kingis will.

108 Wilde fowles forbidden to be taken.

ITEM, That na Partricks, plovers, black-cockes, gray-hennes, na mure-cockes, nor sik fowles be tane with na maner of instruments, fra the beginning of Lentron, quhil *Auguſt*, vnder the paine of fourtie shillinges. And that indictment passe thereupon be the Iustice Clerke.

FINIS.

IN

IN PARLIAMENTO OC-
TAVO VEL CONCILIO GENE-
RALI ILLVSTRISSIMI PRINCIPIS IACOBI, DEI
GRATIA REGIS SCOTIÆ, TENTO APVD PERTH
& inchoato, ratificato & approbato, tanquam ſufficienter & debitè præmunito, per tres Regni ſtatus, duodecimo die Menſis *Iulij*, Anno Domini, Milleſimo, Quadringenteſimo, viceſimo octauo, cum continuatione dierum & temporum, ſummonitis & vocatis, debito modo & more ſolito, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & omnibus liberè-tenentibus, qui tenent in capite, de dicto Domino noſtro Rege, & de quolibet Burgo regni certis Burgenſibus, comparentibus omnibus illis, qui debuerunt, voluerunt, & potuerunt intereſſe, quibuſdam vero abſentibus, quorum quidam fuerunt legitimè excuſati, alijs per contumaciam ſe abſentantibus, quorum nomina patent in rotulis ſectarum, quorum quilibet adjudicatus fuit in amerciamento decem librarum, ob ejus contumaciam.

109 Of the aith to be maid to the Queene, be the Clergie and the Barronnes.

QVO *Die Dominus rex, ex deliberatione & conſenſu totius Concilij, ſtatuit, quòd omnes & ſinguli ſucceſſores Prælatorum Regni quorumcunque, necnon omnes & ſinguli hæredes futuri Comitum, Baronum, omniumque Liberè-tenentium Domini Regis; teneantur facere conſimile iuramentum Dominæ noſtræ Reginæ. Nec vllus Prælatus de cetero admittatur ad ſuam temporalitatem, aut hæres cuiuſuis tenentis Domini Regis ad ſuas tenendrias, niſi prius præſtet Reginæ illud iuramentum.*

110 Anent fugitoures fra the King or his Lieu-tennent.

QVO *Die conſenſum fuit & ſtatutum quòd omnes & ſinguli fugientes à Rege, vel alio quocunque eius locum tenente, punientur ſicut rebelles publici, & notorij.*

THE

THE NINTH PARLIAMENT OF KING IAMES THE First, halden at Perth, the sext daie of March, the zeir of God, ane thousand foure hundreth, twentie nine zeires.

111 *Of Maires of fee, their offices, attachementes and election.*

IN the first of the power of the summonmonder, It is statute and ordaned, that a Maire of fee, quhidder hee bee Maire of the Schireffedome, or of parte, sall haue power to present ane sufficient person or persones, and able to the Schireffe in Courte to be deputes vnder him, quhilks salbe sworne in the plaine Courte to the saide Office, and admitted be the Schireffe, and giuen the wand. He sall schaw nane other power in his attachementes, nor in his summondes making, bot allanerly the precept of his ouer-man, the quhilk commandis him to make the summondes. And swa ay til indure and minister in the said office, quhill his power be lauchfully reuoked in Court be his Ordinar. And swa in the Schireffedomes quhair there is Maires of fee in a warde, and not in anie other, the Schireffe sall choose sufficient and able persones, ane or maa, after as the custome of the Schireffedome is, the quhilk sal be chosen be him, with the consent of the members of the Courte, and sworne in Courte and admitted, and minister all thinges pertenand to the said office.

112 *Of the execution of Summoundes, and verification thereof.*

ITEM, It is statute, that the summonder sall summond, & make his rehearse in courte, quhidder he likis be writ or toung, keiping the sex termes of Summoundes: Swa that he haue sufficient witnesse of diuerse Barronnies, as is conteined in the Lawe, the quhilkis sall sweare

in

in Court, that they byſtude, ſaw and hearde, and for witneſſe were tane, quhair that Summoundour maid the Summoundes, in maner and forme, as is conteined in that writ, and he ſall haue freedome to reade the Summoundes, or gar reade them gif he cannot, but onie exception

113 Anent exceptiones and ſubſtantiall heades of the Brieſe.

ITEM, It is ſtatute and ordaned, that fra thinefurth their ſall nane exception availe againſt the Kings brieves, quhidder they be lang written or ſchort, ſwa that they halde the forme of the brieue, ſtatute in the law of before, congruit & not raiſed, nor blobbed in ſuſpect places, that is to ſay, in the name and the ſurname of the follower, & of the defender and the name of the land, or of the cauſe, vpon the quhilk the brieue was purchaſed, and the dait.

114 Of eſſonzies to be maid in Court.

ITEM, It is ſtatute and ordaned, that there ſalbe nane Eſſonzeour admitted in courte, but gif he haue a power ſpecified for that cauſe, for him that he eſſonzies, and finde burrowes to proue his eſſonzie, at the nixt court, as the Law requiris. And nane eſſonzies to bee admitted in court, bot the eſſonzies ſtatute and written in the law of before, or gif a pure man fall ſuddenlie ſeik, twa leill men, his nichtboure, or his paroch Prieſt ſal ſweare it, and that to be admitted for that daie.

115 Anent a Borgh to be founden in court.

ITEM, It is ſtatute and ordaned, that quhair a Borgh is founden in a Court, vpon a weir of law, that the partie defender, as to that Borgh, ſall haue freedome to be aduiſed, and ask leaue thereto, & ſal haue leaue and quhidder he will be aduiſed within Courte, findand borrowes of his entrie, and his anſwere within the houre of cauſe, at the conſideration of the judge and the Court.

116 Of the doomes falſing.

ITEM, It is ſtatute and ordaned, that quha ſa wil fals doome, ſal not remooue out of the place he ſtands in, quhen the doome is given, nor zit be adviſed with na man, quhill the doome be againe called, and that ſal be that a man may gang eaſely fourtie paſe, & to be conſidered after the conſideration of the judge and the courte, and gif it be againe called, be ane Advocate of the partie, hee beand admitted anis to ſpeake for that partie in the Courte be name and ſurname, it ſall not neede him to rehearſe his awin name, nor the Dempſtaris in the doome falſing, bot allanerlie to ſay, THAT DOOME IS FALS, STINKAND, AND ROTTEN IN THE SELFE, AND THEIRTO A BORGH, and aſſigne a reaſon, proteſtand for maa.

117 *He quha reconteres ane borgh, and abſentis himſelfe thereafter, tynes his action.*

ITEM, It is ſtatute and ordaned, that quhair two parties appearis at the Barre, the tane ſtryke a Borgh vpon a weir of Law, th'other partie ſall haue leaue to be adviſed, gif he will aske it, quhidder he will recounter it or not, as is foreſaid: and gif he recounters the Borgh, and ſtrenthis it with reaſones, hee and his partie remooved the court. And gif it happenis them baith, or ane, till abſent them, and cum not againe to the doome giueing of the decreet, quha ſa at the doome giving, cummis not againe, ſall remaine in ane vnlaw of the court, and tyne the action, for the quhilk the Borgh was foundin, and the recounter never to be harde nor haue remeid to againe ſay that doome.

118 *Anent the perſones that ſall weare claithes of Silke and Furringes.*

ITEM, It is ſtatute, that na man ſal weare claithes of Silk, nor Furringes of Martrickes, Funzies, Purry, nor greate nor richer furring, bot allanerlie Knichtes and Lordes of twa hundreth markes at the leaſt of zeirlie rent, and their eldeſt Sonnes and their aires, but ſpeciall leaue of the King, asked and obteined. And none vther were broderie, Pearle, nor Bulzeone, bot array them at their awin liſt in al vther honeſt arraiments, as ſerpes, beltes, broches, and cheinzies.

120 *Anent the perſones that ſalbe hail harniſhed and weill horſed.*

BE The aduiſe of the haill Parliament it is ſtatute ane ordaned, that ilk man that may diſpend zeirlie twentie pund, or an hũdreth pund in movable gudes, that he be weill horſed, and hail harniſhed, as Gentle men aucht to be: And vtheris ſemplar of tenne pounde of rent, or fiftie pundes in gudes, haue hat, gorget, and a peſane with wambraſſeris and reirbraſſers, and glooues of plate, breaſt plate, pans, and leg ſplents at the leaſt, or gif him likis better.

121 *Anent the gratheing of Zeamen for weire.*

ITEM, That ilk Zeaman, that is of twentie pound in gudes haue a gud doublet of fenſe, or ane harbirgeon, an iron hat, with bow, ſchaif, ſword, buckler, and knife, and the zeaman, that is na archer, nor cannot draw a bow, ſall haue a gude ſuir Hat for his head, and a doublet of fenſe, with ſworde and buckler, and a gude axe, or elſe a brogged ſtaffe.

122 That euer-ilk Barronne within him ſelfe ordane his men to be graithed, as is before written.

ITEM, It is ſtatute and ordaned, that ilk Barronne within himſelfe ſall ſee and ordaine his men to be bodin, as is before written. And gif he dois not this betuixt this and *Martine-mes*, the Schireffe ſall raiſe of ilk zeaman then not bodin, as is foreſaid, a wedder: and of ilke Gentleman, twa wedders, ſa that they be warned of fourtie daies warning at the firſt time: and of the nixt at fifteene daies warning, of ilk zeaman not bodin, twa wedders, and of ilk Gentle-man four wedders: and at the thrid time of fifteene daies warning of the zeaman three wedders, and of ilk Gen-man a Mairt, and ſwa furth fra fiftenee daies to xv, quhill they be anis lauchfully bodin, as effeiris.

123 Of ilk Burgeſſe man hauand fiftie pundes in gudes.

ITEM, It is ordaned, that ilk Burges hauand fiftie poundes in gudes, ſalbe hail anarmed, as a Gentle-man aucht to be: And the zeaman of lawer degree, and Burgeſſes of twentie pundes in guds ſalbe bodin with hat, doublet, or habirgeon, ſword and buckler, bow, ſchaif, and knife: And that hee that is na bow-man, haue a gude axe and ſure weapons, as is foreſaid: And that the Baillies ſall raiſe the paine hereof in Burgh, gif it beis not keeped: that is to ſay, of ilk harniſhed man four ſhillings at the firſt, aucht ſhillinges at the nixt, a marke at the thrid daie, ay foorth quhil he be weill anarmed: And of ilk zeaman twa ſhillinges at the firſt, foure ſhillinges at the nixt, and aucht ſhillinges at the thrid, and ſwa foorth, quhill he be weill anarmed.

124 Anent ſhippes that breakis in this Realme.

ITEM, It is ſtatute and ordaned, that Schippes that breakis in this Countrie, the Schippe and the gudes ſalbe eſcheit to the King, gif they be of thay Countries, the quhilkis vſis and keipis the ſamin law of broken Schippes in their awin lande, and gif they be Schippes of onie land that keipis not that law, they ſall haue the ſamin fauour here, as they keepe to Schippes of this land broken within them.

125 That Advocates and Fore-ſpeakeres in temporall Courts ſall ſweare.

THrow the conſent of the hail Parliament it is ſtatute and ordaned, that Advocates and Fore-ſpeakers in Temporal courtes, and alſwa the parties that they pleade for, gif they be preſent, in al cauſes that they pleade, in the beginning or he be heard in the cauſe, he ſall ſweare, that the cauſe he trowis is gud and leill, that he ſall pleade. And gif the principall partie be abſent, the Aduocate ſall ſweare in the ſaule of him, after as is conteined in thir meters

Illud juretur, quod lis ſibi juſta videtur.
Et ſi quæretur verum, non inficietur.
Nil promittetur, nec falſa probatio detur.
Vt lis tardetur, dilatio nulla petetur.

126 Barrones and Lordes hauand landes on the Weſt Sea, and on the North, ſuld haue Galayes.

ITEM, It is ſtatute and ordaned, that all Barrones and Lordes hauand lands and Lord-ſhippes neir the ſea in the *Weſt*, and on the *North* parts and namelie for-anent the Iles, that they haue Galayes, that is to ſay, ilk foure markes worth of lande ane aire. And that this til vnderſtande of them, that are not feſt before of Galayes. For they that are feſt before ſal keepe and vphalde the galayes, that they are feſt of before, and halden to ſuſtene be their aulde infeftment. And that the ſaids Galayes bee maid and reparrelled be *Maij* cum a twelfe-moneth, vnder the paine of ane marcke to be raiſed to the Kingis vſe of ilk air. And the landes and Lord-ſchippes, quhat euer they be, ſtrikand endlang the coaſt ſyde, and inward in the land, ſex mile ſal contribute to the reparation and the ſuſtentation of the ſaids galayes.

127 Of the nature of the brieſe of inqueiſt and ſaiſing.

ITEM, It is ordaned, that the ſamin ſtatute maid vpon the proclamation of the inqueiſt be keiped vpon the briefe of ſaiſing: that is to ſay, gif the briefe be preſented to the Schireffe or Baillies in the head court, that it be ſerved incontinent. And gif it be preſented on ane vther daie out-with the court, that it be cryed on fifteene daies warning. And gif it be neir *Whitſunday* or *Martine-mes*, the ſaiſing ſalbe given, and the partie contrare ſall be privileged to break ſaiſing of fee and heritage fyfteene daies after, and of the conqueſt fourtie daies after that cauſe, ſa that the breaker be in ſaiſing of before.

128 All perſons remainand in England, *without the Kingis leaue, committis treaſon.*

ITEM, It is ſtatute, that gif onie of the Kingis lieges paſſis in *England*, and reſidis and remainis there, againſt the Kings will, he ſall be halden as traitoure to the King.

129 Of ſovertie asked be onie partie of vthers.

ITEM, It is ſtatute and ordained, that gif onie of the Kings lieges hes ony doubt of the life, outher be deed or mannance, or violent preſumtion, and he ask ſovertie of the partie, that the plaint is maid vpon, ſa that the partie plantiſe mak pruif of the deed, or mannance, or of the violent preſumption maid or done till him be his aith, or vther ſufficient pruife, and the Schireffe do not that effeiris till his office in that caſe, he ſall be in fourtie pund to the King, and aſſyith the partie

130 *Free-halders or their Attourneyes ſuld be preſent at the Schireffes head Courtes.*

ITEM, It is ſtatute and ordaned, vpon the ſerving of inqueiſtes and Retoures againe to the Kingis Chappell, that all Freehalders dwelland within ony Schireffedomes, compeir at the head Courtes, in in their proper perſones with their ſeales: Bot gif it happen them to be abſent vpon a reaſonable cauſe. And gif onie be abſent in that caſe, that he ſende for him a ſufficient Gentle-man, his Attourney, with the ſeale of his Armes, and ſwa in Schireffe-courtes ſet vpon fiftene daies warning. And gif it happenis that the Court be waik, and not ſufficient in the Ryal within the Schireffedome, the Gentles of the Regalities ſall compeir at the warning of the Schireffe, without prejudice of the Regalitie, and enforce the court. And they that aucht compeirance, and compeiris not, ſalbe in ane vnlaw of the Court.

131 *Salmond fiſhing is forbidden except in* Solway *and* Tweede.

ITEM, It is ordaned, that the ſtatute of fiſhing of Salmond, maid be the King that now is, and the three Eſtaites, be firmelie keeped, ay foorth, quhill it be revoked be the King and the three Eſtaites of the Parliament, out-takand the waters of *Solway* and *Tweede*, quhilkis ſalbe reddie to all *Scottes-men* all times of the zeir, als lang as *Berwick* and *Roxburgh* ar in the *Engliſh* mennis handes.

FINIS.

THE TENTH PARLIAMENT OF KING JAMES THE FIRST, HALDEN AT *PERTH*, THE *fifteenth of* October, 1431.

132 *Anent the selling of Salmond out of the Realme*

THE King and the haill Parliament hes statute and ordaned, that na Salmound be sauld, nor bartoured with ony man that hes it out of the Realme, bot for *English* money allanerlie, gold, or siluer for th'ane halfe, and *Gascoigne* Wine, or sik gude pennie-worthe for the other half.

133 *That the Governour of the Realme induring his time, might not annaly na landes, that fell to the Crowne.*

ITEM, The said daie it was decreeted be the three Estaites in plaine Parliament, that the Gouernour of the Realme, induring the time of his Governance, micht not giue fra the Crowne na landes, nor annaly that fell to the Crowne, throw the decease of ony Bastardes. And therefore the gift and the infeftments maid till ADAM KER of the landes of *Zetthame* was of naneavaile.

FINIS.

THE XI. PARLIAMENT, OF King James the First, halden at Striviling, the second daie of *March*, 1433.

134 *Anent the breaking of the Kingis protection.*

ITEM, As touching the breaking of the brieue of the Kingis Protection, it is seene speedefull be the Lordes assembled at *Perth* at this time, that what person, that hes the Kingis protection, and it bee broken on him, fra hee haue compleinzied to the Schireffe, the Schireffe sal summounde the partie vpon fourtie daies warning, to compeir before him at the nixt heade Courte to answere to his partie, anent

nent the breaking of the Kingis protection. And quhidder he appeare or not, to garre it be knawin be an assise, gif the Kingis protection be broken. And gif it be founden, that he hes broken the Kingis protection, he salbe in the Kingis vnlaw in ten pund, and assyith the partie, as law will, notwithstanding ony law or statutes maid of before.

FINIS.

THE TVVELFTH PARLIAMENT OF KING IAMES the First, halden at Perth the tenth daie of Ianuarie, the zeir of God, ane thousand, foure hundreth, threttie foure zeirs.

135 Of the forefaultour of the Erledome of *March.*

ITEM, *Die Martis, videlicet vndecimo die Mensis & anni prædictorum, in prædicto Parliamento præfati excellentissimi Principis, tento apud* Perth, *vt suprà, super iure tam proprietatis quàm possessionis omnium & singularum terrarum Comitatus de* Marche, *& Dominij de* Dumbar, *Procuratoribus & prælocutoribus dicti excellentissimi Principis & Domini nostri; Actoris ab vna prosequentis, necnon procuratore D.* Georgij *de* Dumbar *militis, rei & defendentis, partibus ab altera, ipsorumque allegationibus, iuribus & rationibus attentis, ad plenum consideratis & discussis, dictisque Dom.* Georgio *& eius prælocutore remotis postea reuocatis & reintratis, per tres status Regni in dicto Parliamento præsentes & existentes, diligenti examinatione & matura deliberatione præhabitis, concorditer fuit decretum, ac per os* Dauid Dempstar *iudicatoris Parliamenti sententialiter iudicatum, quod ratione forisfacturæ Dom.* Georgij *de* Dumbar *quondam Comitis* Marchiæ *& Dom. de* Dumbar *omnetus tam proprietatis quam possessionis omnium & singularum terrarum comitatus* Marchiæ, *& Dominij de* Dumbar, *aliarumque terrarum quas de dicto Dom. nostro Rege tenuit in capite, cum omnibus & singulis suis pertinentijs, fuisse, spectasse & pertinuisse, ac esse, spectare & pertinere debere, tam in possessorio, quam in petitorio ad Dominum nostrum Regum supradictum.*

136 Of letters of fidelitie promitted to our Ladie the Queene.

ITEM, *Eodem die mensis & anni supradictorum, omnes Domini de Parliamento, tam Ecclesiastici, quàm Sæculares, ac etiam Burgorum Commissarij, promiserunt dare literas suas retinentiæ & fidelitatis Dominæ nostræ Reginæ.*

FINIS.

THE

THE XIII. PARLIAMENT OR GENERALL

Councell of King James the First, halden at EDINBVRGH, the twentie twa daie *of* October, *the zeir of God, ane thousand, foure* hundreth, thirtie sex zeires.

137 Of Thieeft-bute.

ITEM, It is ſtatute and ordaned be the King, with conſent of the three Eſtaites, that nouther lord of Regalitie, Schireffe, Barronne, nor vtheris, ſell onie thiefe, or fine with him of thiefdome done, nor to be done, vnder the paine to the Lords of the Regalitie, doand the contrarie, of tinſell of the Regalities, and Barronnies, Iuſtices and Schireffes of life and gudes. Saifand that this ſtatute ſall not ſtrike to Bordourers dwelling on the Marches, but for thieft to be done, after the making of this ſtatute. And this ſtatute induring the Kingis will.

138 That aſſiſors ſuld ſweare.

ITEM, It is ſtatute and ordaned, that all judges ſal garre the aſſiſoures ſweare in the making of their aith, quhen they are charged to aſſiſes, that they nouther haue tane, nor ſall take meede nor buddes of ony partie: And gif onie ſik be giuen, or hecht: or onie prayer maid before the giuing out of the declaration & determination of the aſſiſours: the ſaid aſſiſoures ſal openly reueale the buddes, gifts or prayers, and the quantitie and maner thereof to the judge in plaine Court.

139 Of arreiſtment to be maid be the Crowner.

ITEM, It is ordaned, that all Crowners ſall arreiſt at all time, alſweill before the crie of the Aire, as after, all them that ſall be giuen to him in portuous bee the Iuſtice Clerke, and nane vtheris.

140 Treſpaſſoures may be accuſed at the Kingis inſtance allanerly.

ITEM, It is ordained, that al Maires and Serjandes arreiſt at the Schireffis bidding, albeit that na partie follower be, all treſpaſſoures: and that the ſaid Schireffe follow the ſaids treſpaſſoures in the Kings name, gif na partie follower appearis.

141 Aſſurance with Engliſh-men *is treaſon.*

ITEM, It is ordained, that na man be aſſured of *Engliſh-men*, nor take protections of them for landes or gudes, bot allanerly the Wardens, quhilkis ſall haue leaue giuen by the King, vnder the paine of treaſon.

142 Iuſtice ſuld be done vpon thieues in all haſte.

ITEM, It is ordained for mair ſtanching of thieft and treſpaſſe, that ſuppoſe a thiefe byde twa Sunnes, three or foure, or maa, after he be attached, he ſall not haue freedome to abide fourtie daies, bot he ſalbe judged als ſoone, as a courte may be ſet therefore.

143 Of in-bringing of Bulzeon.

ITEM, It is ordained, that of ilk ſack of Wooll, that ſall paſſe out of *Scotlande*, and the *Scottis* Merchande gif he ſailis there-with, or the *Scottis* Merchande that ſelles it to ſtrangers, ſall finde ſicker ſouertie to the Cuſtomers of the Portes, quhair the Schippes ſaillis, to bring hame in *Scotland* to the Maiſter of the Kings cuinzie, three ounce of Bulzeon, and of a laſt of hydes as meikle, and of the three ſacks of wool. And of fiue *Hamburgh* barrelles alſmeikle, as of a ſack of Wooll. And of vther gudes, that awe na cuſtome, or awe cuſtome, after the fraucht of the Serplaith: that is to ſay, it that payis a Serplaith in fraucht, ſal bring three ounce of Builzeon hame, vnder the paine of tinſel of alſmekil Builzeon, as they ſuld bring hame to be applyed to the King. And the cuſtomers of ilk Burgh ſall write all maner of gudes, that enters to ſchip-buird for the ſearching of knawledge heirof.

144 That nane be foundin in Tauernes after nine houres.

ITEM, It is ordained, that na man in Burgh be foundin in Tavernes of wine, aill or beir, after the ſtraike of nine houres, and the bell, that ſall be rungin in the ſaid Burgh. The quhilkis founden, the Alderman and Baillies ſall put them in the Kingis priſon: The quhilk gif they do not, they ſall pay for ilk time, that they be founden culpabill before the Chalmerlane tyſtie ſchillinges.

145 Byeing and ſelling of Engliſh *guds*

ITEM, It is ordaned, that na man vnder the paine of eſcheit bye ony *Engliſh* claith or vther gude, within the Kinrik of *Scotland* fra *Engliſh-men*, or without. And that na *Engliſh-man* hauand conduct, bring in and ſell, or change onie *Engliſh* gudes, bot gif thay gudes be ſpecified, and leaue giuen in his ſafe conduct, ſaifand in payment of ranſome of *Engliſh-men*.

146 Tuitching the ſelling of Salmound till Engliſhmen.

ITEM, It is ordaned, that na *Scottiſ-man* ſell to *Engliſh-men*, or in *England* before hand, or vtherwaies ony Salmond, bot that *Engliſh-men* bye them in *Scotland* for *Engliſh* gold, and none vther contentation. And gif the *Engliſh-men* will not bye them, the *Scottes* merchandes may ſend them in *Flaunders* or vther places, quhair them thinkis: ſwa that of na wiſe they nouther ſende them nor ſell them in *England*, vnder the paine of eſcheit. And for the gude of the Merchands, the King wil grant conduct till all them that will cum and bye Salmond in *Scotland*.

147 That nane bye wine fra Fleminges *of the* Dam

ITEM, It is ſtatute and ordaned, that na man of *Scotland* bye at *Flemminges* of the *Dam* in *Scotland*, onie kinde of wine, vnder the paine of eſcheit theirof.

148 That the Law be halden, quhair the trespaſſe is done.

ITEM, It is ſtatute and ordained, that for ſeven zeires to cum the Kings juſtice of baith the ſyds of the water of *Forth*, and als the Schireffes for treſpaſſe done out-with Regalities and Burrowes, the ſaid Iuſtice and Schireffes ſall hald the Law, quhair the trespaſſe was done, and nouther defer to Burrowes nor Regalities theirin.

149 That nane haue out of Scotland *gold, ſilver, nor Iewels.*

ITEM, That nane haue out of *Scotland* gold, ſilver, nor Iewels cuinzeit, nor vn-cuinzeit, vnder the paine of eſcheit.

THE

ANE TABLE OF THE PARTICVLAR ACTES AND vthers, maid be King Iames the Firſt quhilkis are nocht prented, in his firſt Parliament, the twentie ſex of of *Maij*, 1424.

OF *Finance to be maid for the Kingis coſtage in* England.
Of the maner of Taxation to be maid within the Realme.
Ane complaynt vpon purchaſing of Penſiones.

Second Parliament, twelfth of March, 1424.

Anent the ordinance of Proceſſiones.

Thrid Parliament, elleuenth of March 1425.

Anent the ſchawing of Chartoures and infeftmentes.
Of Prayer and Proceſſion to be maid for the King and the Queene by the Clergie.
Anent meaſures.
Anent ſitting of Seſſion,

Seuenth Parliament, firſt of March. 1427.

Of Cruves and waters.
The leaue to Merchandes to ſure their gudes.

Tenth Parliament. 15. *of October.* 1431.

For reſiſting of rebelloures in the North.

Elleuenth Parliament. 2 *of March.* 1433.

Of the Brieue de aquæ ductu.
Of mandementes to execute the actes of Parliament.
That the law be halden where the treſpaſſe is done.

FINIS.

THE FIRST PARLIAMENT OF KING IAMES THE SECOND, HALDEN AT EDINBVRGH THE XX. DAY OF MARCH, The zeir of God, Ane Thouſand foure hundreth, threttie ſeuen zeiris: And of his Reigne the ſicſt zeir.

1 Of the Coronation of our Soveraine Lord.



VQ Die comparentibus tribus Regni ſtatibus apud EDINBVRGH *omnes Comites, Nobiles, & Barones, ac Liberè-tenentes dicti Regni, venientes ad caſtrum de* EDINBVRGH *præfatum Dominum noſtrum Regem, cum maximo applauſu & apparatu, ad laudem Dei & lætitiam totius populi ad Monaſterium Sanctæ Crucis de* EDINBVRGH, *pro Corona Regni Scotiæ ibidem ſuſcipienda ſolenniter produxerunt. Cætera autem præſentis Parliamenti ſunt in certis actis tangentibus partes.*

2 *Reuocation of lands, poſſeſſiones, and moueable gudes: Alienation of the Kingis Landes.*

THE Haill three Eſtaites of the Realme, ſittand in plane Parliament, That is to ſay, the Clergie, Barronnes, and Commiſſioners of Burrowes

rowes be ane aſſent, nane diſcreepand, weill aduiſed and deliuered, hes reuoked all alienations, alſweill of landes and of poſſeſſiones, as of moveable gudes, that were in his Fathers poſſeſſion, whome God aſſoilzie, the time of his deceaſe, giuen and maid without the aduiſe and conſent of the three Eſtaites. And hes ordaned, that ane inuentar be maid of all the gudes in to depois belang and to the Kinge by them, that beſte knawis the gudes: And that this inuentar be keiped to the Kingis age. And hes ordained be maner of ſtatute, that na landes nor poſſeſſiones perteining to the King, be given or granted till onie man, without the adviſe and conſent of the three Eſtaites of the Realme, vnto the time of his age of xxj. zeires. And gif it happenis ony ſik alienationes to be maid in prejudice or hindring of the Crowne, that it be of na value, force nor effect.

FINIS.

THE SECONDE PARLIAMENT OR COVNCELL, OF KING *James the Second, halden at Striviling, the xiij.* daie of the Moneth of *March*, the zeir of God, ane thouſand, four hundreth, threttie aucht zeires.

3 *Anent Rebelloures and vnreaſonable men, being receipt and halden within Caſtelles.*

ITEM, It is ſtatute and ordained, that quhair there is ony rebellours or vnrule-ful men within Caſtelles or fortalices halden or receipt, or quhair there be ony preſumption violent of rebellion, or ſpilling of the Countrie: it is adviſed and ordained, that the Lieu-tennent raiſe the countrie, and paſſe to ſik houſes, and arreiſt their perſones, quhatſumeuer they be, to the Law, and take ſouertie of thay perſones, being within thay houſes, that the Countrie and all the Kingis lieges be vnharmed and vnskaithed of the ſaids houſes, and of them that inhabitis them, fra thine foorth. And gif onie makis difficultie to be arreiſted and finde ſovertie, as law will, they ſalbe ſtreinzied thereto.

FINIS.

THE

THE THRID PARLIAMENT OR COVNCELL GENERALL of King Iames the Second, halden

at *Striuiling*, the ſecond daie of the Moneth of Auguſt, *the zeir of God, ane thouſand* foure hundreth and fourtie zeires.

4 *Kirk-men ſuld not be troubled in their bodies nor gudes.*

THE Frydaie the fift daye of the Moneth, and zeir before written: The haill three Eſtaites nane diſſentand, hes ordained, that halie Kirke be keiped in freedome, and na-man vexe Kirk-men in their perſones nor gudes, vnder all charge, that they may in-rin againſt God and our Soueraine Lorde the Kingis Majeſtie.

5 *Iuſtice aires ſuld be halden twiſe in the zeir.*

ITEM, The ſamin daye the haill three Eſtaites hes ordained, that the Iuſtices on the South ſide of the *Scottis* Sea, ſet their Iuſtice aires, and hald them twiſe in the zeir, and alſwa on the North ſide of the *Scottis* ſea, as auld vſe and cuſtome is. And richt ſwa Lordes of Regalities within their Regalities, & alſwa the Kings Baillies of his Regalities. And that the King himſelfe, quhill Iuſtice be anis halden in the Realme in ilk toune, quhair the aire ſalbe halden, or neir theirby, quhair his councel thinkis it ſpeidfull.

6 *Of remeid and punition of diuers crymes.*

ITEM, The three Eſtaites hes concluded the ſaid daie, that our Soveraine Lord the King ride throw all the Realme incontinent after their

be ſend word to his Councel, quhair onie rebellion, ſlauchter, burning, reife, forfalt, or thieft, happenis: and there to cal the Schireffe of the ſchire quhair the thing beis done before him, and or the King depart out of that Schire, to ſet remeid of ſik harmes done, or gif onie ſik ſall happen to be done, quhidder the default be in the Officiares, or in the doers, to be puniſhed be the King. The quhilk concluſion and ordinance, all the Barronnes of commoun aſſent and conſent are obliſhed till aſſiſt, baith with their power in bodies and gudes, als oft as ſalbe ſeene ſpeedefull, be adviſe of the Councell, for the gude and availe of the Realme, and the commoun profite.

(·.·)

FINIS.

THE

THE FOVRTH PARLIAMENT ORGENERAL COVNcell of King James the Seconde, halden at Striuiling the fourth daie of November, the zeir of God, ane thouſand foure hundreth, fourtie three zeirs.

7 *Anent troublers of Halie Kirk: and curſed perſones.*



HE Kinge and the three Eſtaites hes ſtatute and ordained, that the ſtatute of halie Kirk, that is oppreſſed and hurte, be keiped be lawe of halie Kirke, and actes and ſtatutes made of before time in generall councell and Parliament. And that general proceſſe be maid in forme, and general curſing againſt all the breakers of the ſaid freedome, and als againſt particular or ſingular perſones be cenſure of halie Kirk. And that ilk place aſſiſt til vthers proceſſes. And that na perſones, the quhilks ar notour ſpuilzieours, diſtroublers, or invaſours of halie kirk, nor nane againſt quhome the Proces beis led of curſing: be receiued in the Kingis Caſtelle or place, or in his preſence, nor admitted to councell nor Parliament, heard nor anſwered in the law of judgement of fee and heritage, or vther cauſes, bot euer eſchewed as curſed, vnto the time the ſaid perſones cum to amendis, and aſſyith the partie, & obteine abſolution in forme of law.

FINIS.

THE FIFTH PARLIAMENT OF KING IAMES the Second, halden at Edinburgh, the twentie daie of *Ianuar*, the zeir of GOD, ane *thousand, foure hundreth, fourtie nine zeires*, And of his reigne the thretteenth zeire.

9 *The punition of the slauchter of Salmond.*

ITEM, It is ordaned, that quha sa beis convict of slauchter of Salmond in time forbidden be the law, sall pay fourtie shillinges, but remission the first time. And the seconde time foure poundes. And at the thrid time he sal tine his office for euer. And alswa he that garris slaie or mainteinis the slayer, or is airt or pairt of the deede doing, salbe demained, as the principall doers. And gif onie man be infeft of freedome to fish in forbidden time, sik freedome sall cease for seuen zeires to cum. And gif onie dois in the contrarie, hee sall paie an vn-law before the Iustice, vpon the quhilk tresspasse, the Iustice Clerke sall inquire at the receiuing of the indictmentes, as of vther poyntes belangand his office.

10 *The Schireffe suld cause restitution to be maid of gudes spuilzied and reft: otherwaies he becummis debtor therefore.*

THrough the consent and aduise of the haill Parliament, it was ordained and decreited, quhair onie open and publicke riefes and spoliationes outher of Kirke gudes, or vthers happenis within the Realme, that the partie spuilzied compleinzie to the Schireffe, in quhat Schireffedome the spuilziers remainis in, and that the gudes spuilzied ar receipt in. And that the Schireffe passe to the spuilziers and receipters of them, and the gudes spuilzied, and charge them to restore againe the spoliation, and arreist the spuilzieoures and receipteres of them, and the gudes spuilzied to the Law. And gif the spuilzieoures or receipters disobeyis the Schireffe, swa that hee may not compell them to restore againe the spoliation, the Schireffe sall blaw out on them to the Kingis

Kingis horne as rebelloures, and pronounce them as ſik rebelloures oppenlie to the Lord Lieu-tennent. And gif the Schireffes refuſis to doe their office, or be negligent, or partiall: then the partie ſpuilzied ſal compleine to the Kings Lieu-tennent of the Schireffe, and the Lieu-tennent ſal demaine the Schireffe, as the ſpuilzeoures ſuld haue bene demained: and that ſik execution be maid be the Officiares vpon them; that againſtandis and diſobeyis the Kingis Acts & decretes given vnder the Kings waxe, and decreeted be the Lieu-tennent and the three Eſtaites. And gif ſik treſpaſſoures put to the Kingis horne, make na reſtitution and fulfilling of the acts, as is before ſaid, within fiftene daies, & findis not ſouerty to vnderly the law for their diſobeying, that fra thine foorth, thay perſones be notourlie cryed rebelloures to the King be the officiares. And ſik men ſuld be demained be the actes of fourtie daies, the auld act not againe-ſtanding. And if ony ſik treſpaſſours, rieuers or ſpuilziers, of ony mennis gudes put to the Kingis horne, makis not reſtitution within the foreſaid fourtie daies of the gudes ſpuilzied, and bindis them to the law, as is before written, they ſall not be receiued be na miniſter of the Kings to the Law, quhill before all thing they haue maid full reſtitution of the ſpoliation.

11 That the officiares and Lordes of Regalities ſall execute and fulfill this foreſaid act.

ITEM, It is ordained and decreeted, that this acte ſalbe execute and fulfilled be the Officiars, and Lordes of the Regalities within the Realme, with the helpe and ſupplie of the Lord of the Ryall, gif neede be. And gif the officiares of Regalities fulfillis not this acte, it ſalbe lauchfull to the Kingis Schireffe to fulfill it within Regalities.

FINIS

THE

THE SEXT PARLIAMENT OF KING IAMES THE Seconde, halden at Edinburgh, the ſext daie of Ianuar, the zeir of God, ane thouſand foure hundreth, fourtie nine zeires.

12 Of letters of caption to be giuen againſt Curſed perſones.

IN The firſt, for the maintening of the fredome of halie Kirk, it is ordaned, that fra the cenſure of halie Kirk be led and vſed vpon onie perſon, and it be maide knawin be the Ordinar, the Kingis letters of caption ſalbe giuen, and the auld Law vſed as effeiris. And that the Schireffe and vthers officiars execute the Kingis letters, and put the perſones that the cenſure of halie Kirk is led vpon, in the Kingis waird. And gif the perſones be fugitiue, and may not be ouer-tane be the Schireffe or his Officiars, and they haue lands and gudes, thay landes ſalbe and their gudes arreiſted and pryſed to the partie, like as for vther debt at certaine mercat dayes, as effeiris. And gif the ſaidis perſones be not ouer-tane be the ſaid Officiares, and they haue nouther landes nor gudes, they ſalbe put to the Kingis horne. And this acte till indure till the nixt Parliament.

13 The Proclamation of generall peace: Of law-burrowes: Of miniſters of Law.

ITEM, It is ordaned, that generall peace be proclaymed and keiped out-throw all the Realme, that all men may travell ſurelie & ſickerly in merchandice, & vtherwaies in al places throw the land, ſwa that na man neede till haue aſſurance ane of vther, bot that the Kingis peace be aſſurance till all men. And quha that offendis therein, to be puniſhed by the King or his officiares. And that the King make ſik officiars, that can weill & may weil puniſh ſik treſpaſſoures. And attour, gif ony perſon dreadis ane vther, that he paſſe to the Schireffe, or to the Officiares, that it effeiris to, and make that knawin, or ſweare that he dreadis him, and they ſall take borrowes of peace, after the actes maid thereupon of before. And that iuſt men be maid Iuſtices, that kennis the Lawe, and that will miniſter eauenlie, alſweill of the greate, as of the ſmall.

And

And richt ſwa of vther officiares. And gif they be negligent to miniſter their office, that they be puniſhed be the King. And that the juſtice paſſe twiſe throw the countrie in the zeir, after the auld lawes.

14 That nane rebell againſt the Kingis perſon nor his authoritie.

ITEM, It is ordaned, that nane rebell againſt the Kingis perſon, nor his authoritie: and quha ſa makis ſik rebellion, to be puniſhed after the qualitie and quantitie of ſik rebellion, be the aduiſe of the three Eſtaites. And gif it happenis ony within the Realme openly or notourly to rebell againſt the King, or makis weir againſt the Kingis lieges againſt his forbidding, in that caſe the King to gang vpon them with aſſiſtance of the haill landes, and to puniſh them after the quantitie of the treſpaſſe.

15 Of them quha ſeekis reuenge for treſpaſſoures iuſtified.

AND Attoure, gif it happenis ony man till aſſiſt in red, comfort, or counſell or maintenance to them that ar juſtified be the King in his preſent Parliament, or ſall happen to be juſtified in time cumming, for crimes committed againſt the King, in the contrair of the act maid: Fra it be notour, or the treſpaſſour be convict thereof, he ſalbe puniſhed in like maner, as the principall treſpaſſoures.

16 Trewes on the Bordoures. *ſulde be keeped be the Wardane.*

ITEM, It is ordaned, that the Wardane chooſe ſik deputes and officiares vnder him, as he will ſtand for, for the keeping and obſeruing of the trewes, ſen hee hes the charge. And that the King gar aſſiſt to him, in the ſupplying of him and his officiares, gif ony walde take on hande to diſobey or gane-ſtand.

17 Of punition of Officiares treſpaſſand in their office wilfullie.

ITEM, It is ordaned, that gif ony Officiar, wilfully treſpaſſis in the miniſtration of his office of the Law, that beand ouertane or proued on him, before the King or his Councel, he ſal tyne his office for an zeir and day at the Kingis will, and aſſyith the partie, as effeiris.

18 The byer of Landes ſuld keepe the tackes ſet before the bying.

ITEM, It is ordaned, for the ſafetie and fauour of the puir people that labouris the ground, that they and all vtheris, that hes taken, or ſall take landes in time to come fra Lordes, and hes termes and zeires thereof, that ſuppoſe the Lordes ſell or annaly that land or landes: the takers ſall remaine with their tackes, vnto the iſchew of their termes, quhais handes that euer thay landes cum to, for ſiklike maill, as they tooke them for.

19 Tacks

19 Tackes of wedſet Landes, ſet within the Iuſt valour, ſuld nocht be keiped after the Redemption.

BOT Quha ſa takis, or hes tane landes in wedſet; and ſyne for maill lang time after the land be quite out, for halfe maill or neir thereby, that thay tackes ſall not be keeped nor halden, after the quiting out of the ſaid land, bot gif they be ſet for the verry maill or neir theirby.

20 The committer of ſpuilzie ſuld mak reſtitution: pay the expenſes, and ane vnlaw to the King.

ITEM, IT Is ſtatute and ordaned, that onie man, that beis ſpuilzied, and cummis before the King, and his Councel, and compleinzies of ſpoliation, & the ſpuilzie may be proued, there the partie preſent or ſummond lauchfullie, & not compeirand: or appeirand, the ſpuilzie beand proued, the Schireffe of the Schire ſalbe commanded be the King to mak him, that is ſpuilzied, bee reſtored but delaie. And gif the pleinzeour of the ſpuilzie haue na proofe reddie before the King, the King ſall write to the Schireffe, at his inſtance, to ſet him a peremptour day of fifteene daies at the fardeſt, to the quhilk he ſall warne the parties to cum. At the quhilk day quhidder they cum or not, the ſpuilzie beand proued, the Schireffe ſall make him, that is ſpuilzied, but delay to be reſtored, as is before ſaid, togidder with the expenſes, the quhilkis the partie follower lauchfullie makis, and the Kingis vnlaw as effeiris.

21 That the Iuſtice, Chalmerlane, Crowners, and all vther Officiares ryde in competent and eaſy number

ITEM, IT Is ordaned, that Iuſtices, Chalmerlane, Crowneres, and vther Officiars, that makis courſe throw the land, ryde but in competent and eaſy number, to eſchew grieuance & hurting of the peopil, the quhilk number of auld time was ſtatute and modified, and that the Crowneres ceaſe of the taking of the tenne pennies, for the wrang cuſtome of them, that findis them reddy borrowes.

22 Of the away putting of Sornares, feinzied fooles and vagaboundes.

ITEM, It is ſtatute and ordaned, for the away putting of Sornares, ouer-lyars, and maiſterful beggers, with horſe, houndes, or vther guds, that all officiares, baith Schireffes, Barronnes, Aldermen, Baillies, alſweil within the Burgh, as outwith, take ane inquiſition at ilk courte, that they hald of the foreſaid things: And gif ony ſik be founden, that their horſe, houndes,

houndes, or vther gudes be eſcheit to the King, & their perſon put in the Kinges waird, quhill the King haue ſaid his will to them. And alſwa that the ſaid Schireffe, Baillies, and Officiares inquire at ilk court, gif there be onie, that makis them fuiles, and are bairdes, or vthers ſik like rinnares about. And gif onie ſik be funden, that they be put in the Kings waird, or in his irones for their treſpaſſes, als lang as they haue ony gudes of their awin to liue vpon, that their eares be nailed to the trone, or till ane vther tree, and their earecutted off, and baniſhed the cuntrie. And gif thereafter they be funden againe, that they be hanged.

23 Of byares of victuall, and keiperes theirof to ane dearth.

ITEM, It is ordaned for the eſchewing of dearth within the Land, that Schireffes, Baillies, and vther officiars, baith to burgh & to land, take and inquire at ilk courte that they hald, quhat perſons within their boundes byis victuall and haldis it till a dearth. And gif it beis founden, that the Schireffe and officiares make it knawin at ilk mercat croce to the King, quhat perſons they ar, & that they be bot as ockerrares repute. And that they be puniſhed and demained as ockerrares ſuld be. And the victuall that they haue, be eſcheitted to the King.

24 It is leſum to all the Kingis Lieges to bye and ſell victuall. Of auld ſtackes.

ALSwa, that na burgeſſes nor na vther perſones, that byis ony corne or victuall to ſell againe, hald victuall in Burgh nor out-with, mair then wil ſuſteine him and his meinzie to new corne: vnder the paine of eſcheit of the victuall to the Kingis vſe, bot that that victuall be preſented to mercattes, and ſauld as the price gois. And attour, that the Kingis lieges in al places throw out the realme, haue power to bye & ſel victual at their liking, baith on the North halfe and South halfe of *Forth*, ilk ane till vtheris, but onie letting or impediment. And that na man hald old ſtackes in his zaird langer then *Zule*, vnder the paine of eſcheit thereof to the King.

25 Sundrie poyntes of treaſon.

ITEM, It is ſtatute and ordained, that gif onie man, as God forbid, committe or do treaſon againſt the Kingis perſon, or his Majeſtie, or riſis in feire of weir againſt him, or layis handes vpon his perſon violentlie, quhat age the King be of, zoung or auld, or receiptis ony that hes committed treaſon, or that ſupplies them in helpe, redde or counſell, or that ſtuffis the houſes of them that are convict of treaſon, and haldis them againſt the King, or that ſtuffis houſes of their awin in furthering of the Kingis rebelles, or that aſſailzies Caſtelles or places quhair the

Kingis perſon ſall happen to be, without the conſent of the thre Eſtaites ſall be puniſhed as traitoures.

26 That the Regalities being in the Kings handes, ſalbe iuſtified be the Kingis Iuſtice.

ITEM, It is ordaned, that all Regalities, that are in the Kingis handes, or ſalbe in time to cum, be halden as Royalty & juſtified be the Kings Iuſtice, quhill they remaine in the Kingis handes, and the free-halderis of the ſaid Regalities ſall compeir at the Iuſtice aires, and their Suters within the Schireffedomes, that they are in, and to the Kinges Parliamentes and general Councelles, as the free-halders of the Royaltie dois.

27 For eſchewing of maiſterſull thieft and reiſe.

ITEM, For eſchewing of greate and maiſterfull thieft and reiſe, it is ordaned, that the Iuſtice do law out throw the Realme, and quhair he may not hald Iuſtice of maiſterfull men, he ſall verifie and certifie the King theirof: then the King ſall provide with his ſecreit Councell in all haiſt remeid theirof.

28 The Iuſtice Clerk ſuld nocht reueill the dittay: nor alter the Rolles.

ITEM, It is ordaned, that the Iuſtice Clerke reveil na mannis action to na perſon, or tranſlate onie action vtherwaies, then it was given him, bot for the better to the King: or change names ane for ane vther, or put out onie of the Rolles without commandement of the King, or of the councell, vnder the paine of tinſel of his Office, his honour, and his guds to be at the Kinges will.

29 Money ſuld nocht be carried away: Falſe Money: Na money ſuld be ſtriken without the Kingis licence.

ITEM, As anentis the money, it is referred to the Actes maid of before. be the foure and twentie perſones choſen thereto, baith for the hame bringing of the Bulzeon be the merchandes, and of the new ſtraik to be maid, and the courſe thereof be the money that now runnis. And that their be maid at all portes of the Realme ſtrait ſearchers to reſtreine the hauing out of the money, and richt ſwa vpon the Bordowres of the Marches, And that al falſe ſtriker of gold, ſilver, or of falſe groates, & pennies be ſearched, & written for, & broucht to the king to be puniſhed, as Law will. And that nane tak on hand to ſtryke in time to cum, bot they hat hes or ſal haue command of the King vnder his greate ſeale.

30 *Anent the Summounding of onie perſones of contumacie, and paine theirof.*

ITEM, It is ordaned, that gif onie perſon garris ſummound ane vther before the King and his Councell for onie cauſe, and the partie ſummound be *contumax*, he ſal be condemned at the firſt daie in the expenſes of the partie followand, and in twentie ſchillinges to the King for his amerciament. And be he abſent and *contumax* at the ſecond ſummoundes, he ſall be condemned be the Iudge in the expenſes of the partie follower, and in fourtie ſchillinges for the Kinges vnlaw. And be he *contumax* at the thrid day, at the quhilk he ſalbe ſummound to cum: the quhilk ſummoundes ſall mak intimation, that quhidder he compeir or not, the Iudge will proceid as Law will in the cauſe, and then gif he be ſummound thriſe and compeiris not, he ſal be condemned in the parties expenſes, and in foure pundes for his vnlaw to the King. And then ſall the Iudge proceid in the cauſe and doe Iuſtice. And gif the cauſe be on fee and heritage, the partie ſummound, as is foreſaid, ſall be condemned for his contumacie, and the partie follower ſall be put in poſſeſſion of the ſaid fee and heritage, and byde theirin, aye and quhill his partie aſſyith fullelie all the expenſes, in the quhilk he was condemned, and to the King of all his vnlawes: The quhilk done, he ſall be heard in the principall cauſe mooved againſt him, not-again ſtanding the decreit of poſſeſſion before given: bot gif he bide ſa lang, that preſcription lauchfullie be runnin. And gif the cauſe be of mooveable gudes, the partie follower ſall be put in poſſeſſion of the other parties gudes, to the quantitie of the thing or the gudes, in the quhilkis the other partie beis judged, to remaine with the partie follower for a zeir and a day. And gif the partie condemned within the zeir and day, cummis and aſſyithis fullelie all the other parties expenſes judged to the partie follower, and all the Kings vnlawes, as is before ſaid, and findis cautiones to ſtand and abide the partie at the Law, then ſall he recover againe the poſſeſſion of his guds, and be heard and haue Law in the cauſe principall. And gif the partie condemned haue landes or gudes: then ſall his Landes and gudes be recogniſhed in the Kingis handes. And gif he hes na landes nor gudes, then ſall he be out-lawed and put to the Kingis horne. And this ordinance to continue to the nixt Parliament. And that all Lordes hauand Regalities, ſall judge all them of their Regalities, after the acte before written. And that ilke ane of the three ſummoundes be of fifteene daies warning at the leaſt. And that the letters of ſummounds paſſe vnder the quhite waxe, and the ſummoundes of the Lordes of Regalities, to paſſe vnder their ſealles, or their ſignettes.

FINIS.

THE VII. PARLIAMENT
OR COVNCELL GENERALL,
of King JAMES the Second, halden at

Perth, the fourt daie of *Maij*, the zeir of God, *ane thousand, foure hundreth and fiftie zeirs*, and of his Reigne the fourteenth zeire.

31 *That na man of this Realme bring hame poyson, vnder the paine of treason.*

THE Lordes of the three Estaites gathered and assembled in the Friere Kirk, & commonand vpon divers matters be-langand the commoun gude of the Realme, it was be the King and als the Lords of the three Estaites, assentand and consentand, ordaned: & be the maner of aye lestand statute determined and forbidden, that na kinde of man nor woman of the Realme of *Scotland* for Silver, nor Gold, nor nane vther Merchandice, be na maner of way, sould bye, nor inbring na kind of poyson in the Realme, for onie maner of vse, vnder the paine of treason. And gif onie person of the Realme of *Scotland* in onie time to cum bring in onie maner of poyson, throw the quhilk onie Christian-man or woman may take bodelie harme, and that may be kend or they convict theirof, that person or persones, sa declared and convict, sall tyne and forefault to the King lyfe, land, and gudes.

32 *That na stranger bring hame poyson.*

ITEM, Gif ony stranger, ane or maa, man or woman, of ony vther Realme, cum in this Realme of *Scotland*, and in-bring be ony maner of way poyson, throw the quhilk onie Christian-man or woman may take bodely skaith, and that may be kende, or they convict thereof, they sall vnderly the samin paines, as is before written of them of this Realme, and na conduct nor remission to helpe them in that case.

FINIS.

THE

THE AVCHT PARLIAMENT OF OVR SOVERAINE Lord, King IAMES the 2, by the grace of God,

King of SCOTTES, halden at *Striuiling*, the xxv. daie of the Moneth *of* October, *the zeir of God, ane thousand*, foure hundreth, fiftie ane zeir.

33 *The aduisement of the three Estaites, touching the mater of money.*

ITEM, In the first, that they thinke it expedient for diuerse causes, that they haue considdered, and counsellis that there be stricken in this Realme new money, conforme eauen in weicht to the money of *England*, with the quhilk this Realme hes parte of commoning. And that there be stricken of the ounce of burnt silver, or Bulzeon of that fines, aucht groates, & of the samin mater and weicht, as effeiris, halfe groate, pennie, halfe-pennie, and farding.

ITEM, That the samin new groate to be stricken, haue course for aucht pennies the halfe groate: for foure pennies, the pennie: for twa pennies the halfe pennie: for ane pennie and the farding, for a half pennie.

ITEM, That the *Englisch* groates, of the quhilkis aucht groates haldis ane ounce, haue course richtswa for aucht pennies the peece. And the halfe groate *Englisch*, conformed to the said groate in weicht, haue course for foure pennies. And that na *Englisch* pennie haue course, bot at the will of the receiuer.

ITEM, Fra the new groate be stricken and proclaimed, and a speciall daie set for the course of it, then the new groate that now runnis for sax pennies, sal descend to foure pennies, and the halfe groate to twa pennies.

ITEM, That the Demy, the groate and the halfe groate, that now runnis, haue their courſe, that they now haue, vnto the time of the Proclamation, and the courſe of the ſaid new money.

ITEM, That there be ſtricken a new penny of Gold called a *Lyon*, with the prent of the *Lyon* on th'ane ſide, and the image of Saint *Andrew* on the other ſide, with a ſide coate even to his fute, halding the ſamin weicht of the halfe *Engliſh* Noble. And that the ſaid *Lyon* be not taken in payment, bot gif it hald the full weicht of the ſaid halfe *Engliſh* Noble. And that the ſaid new *Lyon*, fra the daie that it be new cryed, haue courſe, and ſall runne for ſex ſhillinges aucht pennies of the ſaid money: and the halfe *Lyon* of weicht fra the daie it be cryed, and of fines thereafter, haue courſe for three ſhillinges foure pennies. ITEM, after the courſe of the ſaid Proclamation, the Demy that now runnis for nine ſhillinges, ſall run then for ſex ſhillinges aucht pennies, and the halfe penney for three ſhillinges foure pennies.

ITEM, The Royall of *France*, ſall haue courſe for ſex ſhillinges aucht pennies, and the *Salute* hauand the weicht of the ſaid new *Lyon*, ſall haue cours then als for ſex ſhillinges aucht pennies. And the Crown of *France* hauand a crowned *Flowre-deluce* on ilk ſide of the Schield, that runnis now in *France* for courſeable payment, and the *Dolphin* Crowne ilk ane of them hauand courſe for ſex ſhillinges aucht pennies. And the Ryders of *Flanders* hauand courſe for ſex ſhillinges aucht pennies. And the *Engliſh* Noble called the *Pace*, ſall haue courſe then for threttene ſhillinges foure pennies. And the halfe Noble thereof, for ſexe ſhillings aucht pennies: and ſa the farding for three ſhillinges foure pennies: and the *Flemiſh* Noble that time hauand courſe, for twelue ſhillinges aucht pennies. And all vther kinde of gold hauand na courſe, bot as the byar and ſeller can accord.

ITEM, The pennies that were ſtricken by the Kingis Cuinzeoures, that is to ſay, *Robert Gray*, *Iohn* of *Dalrympill* father himſelfe, *Alexander Tod*, and *Iohn Spethy*, ſall haue courſe as they now haue, vnto the time of the ſaid new ſtraik. And of thay pennies, ſalbe tane bot twelue pennies in a pound. And all vther kindes of pennies ſtricken by *Henry Gold-ſmith*, and be all vther falſe cuinzieoures, outher in *Innernes*, *Dyſart*, or *Forfare*, or ony vther place, ſall haue na courſe fra this daie foorth, nor be receiued for payment.

ITEM, Fra the new groate haue courſe for aucht pennies, that the foreſaid pennies ſtricken be the ſaid Kingis cuinzieoures haue na langer courſe, nor be receiued in paiment

ITEM, That this new cuinzie be ſtricken euen furth-with, groate, halfe-groate, and penney vnto the ſaid new groate runne for aucht pennies: the ſaid new groate for twelue pennies: the halfe groat for ſex pennies: And the pennie for three pennies.

ITEM, That the *Lyon*, and halfe *Lyon* be ſtricken eauen ſa furth-with and haue courſe to the ſaid time, the *Lyon* for ten ſhillingnges: And the halfe

halfe *Lyon* for fiue ſhillinges.

ITEM, That proviſion be maid for the Gravoures of the irones, And that now incontinent traiſty ſworne men paſſe foorth, and receiue all the irones of the Kingis ſtrykers baith of Gold and ſiluer, togidder with the letters of graving fra the Grauoures, and before the King and his councell they be deſtroyed, and the new irones that ſalbe maid, ſalbe giuen within the cuinzie place.

Maiſter of the Cuinzie.

ITEM, That the Maiſter of the money ſall anſwere for all gold and ſiluer, that ſalbe ſtricken vnder him, quhill the Wardane haue tane aſſay thereof, and put it in his buiſt. And that na man ſall take the ſaid money, fra it be burled and clypped, bot at his awin lyking. And the ſaid Maiſter ſall haue power to chooſe all ſervandes vnder him to ſtricke, and to puniſh them, gif they treſpaſſe. And that the prenters and ſtrickers were na gold-ſmithes, and vtheris micht be gotten.

34 That na man haue out of the Realme gold, ſiluer, nor Bulzeon.

ITEM, That na man haue out of the Realme, gold, ſiluer, nor Bulzeon, vnder the paine of eſcheiting thereof, the ane halfe to the King, and the outher halfe to the taintour and taker. Neuertheleſſe, becauſe that diuerſe men mon paſſe throw *England* be land, or be Sea to *France*, *Flanders*, or vther countries, and na further, vpon the quhilk the King mon take ſearchoures of leill men.

35 That na cattle be ſauld in England, *bot for reddie gold or ſiluer.*

ITEM, That na Cattle be ſauld in *England* to *Engliſh-men*, bot for reddie gold or ſiluer, vnder the paine of eſcheit of ſa meikle as is ſauld, to be diſtributed betuixt the King and the Wardane of the *Marche*.

36 Anent the out-quiting of Wed-ſettes.

ITEM, That all wed-ſettes that are maid in the time of the money that now runnes, be payed in the time of the quiting out of ſik money, as was lent, or elſe the auaile of it.

ITEM, debtes and obligationes of the payment, of the quhilkis the termes are gane, ilk man that will not paie betuixt this and *All-hallow* daie cum a twelue Moneth, ſik maner of debts throw obligationes, or vther maner of way contracted in the money, that now runnis, they ſall paie it of the money, that runnis fra that daie foorth. Neuertheleſſe, the ſaidis deputes intendis not to giue forder delay of the payment thereof, bot at the liking of the partie.

FINIS.

THE NINTH PARLIAMENT OF KING IAMES the Second, halden at Edinburgh, the xxvj. daie of *Auguſt*, the zeir of GOD, ane thouſand foure hundreth, fiftie twa zeires.

37 *Of Cornes and auld ſtackes.*

ITEM, It is ſtatute and ordained be our SOVERAINE LORD, & be adviſe of the Lords now preſẽt with him, that al maner of men, that hes corne vn-threſchen within the Realme, ſall gar it be halilie threſchen out, before the laſt daie of *Maij* nixt-to-cum, vnder the paine of eſcheit to the King of the corne, that happenis to be vnthreſchen, alſweil within barnes, as out-with. And that furthwith in al gudlie haſte, our Soveraine Lordis letters paſſe to all Schireffes of the Realme of charge for keiping of the ſaid ordinãce. And that the ſaid Schireffes ſe, that the ſaid ſtatute be execute. And quhat Schireffe, that failzies heir-in-til, that they be diſcharged of the execution of their office in time to come, induring the Kingis wil, and vtheris depute thereto.

38 *Girnalling of victuall is forbidden.*

ITEM, It is ordained, that na maner of victuall be halden in Girnall be onie man, bot allanerly that is needefull for their awin perſones, & ſuſtentation of their houſhalds: And finally unto the terme of *Michaelmes* nixt to cum: bot that they be preſented to the mercat, vnder the paine of eſcheit.

39 *That na man hald mair victuall, then will ſuſteine himſelfe.*

ITEM, Hereafter it is ſtatute and ordained, that na man hald victuall in girnall to a dearth, and that na man hald victuall mair, then wil ſerue him and his familie for ane quarter of ane zeir. And that they preſent all that they haue mair to the mercat, within nine daies after to be ſauld, vnder the paine of eſcheit thereof. For the ſearching of the quhilk thing, there is depute ſearchers in *Edinburgh* & *Leith*, certaine perſons.

FINIS. THE

THE TENTH PARLIAMENT OF KING IAMES the Seconde, halden at Edinburgh, the

sexteenth daie of *Iulij*, the zeir of God, *ane thousand, foure hundreth, fiftie* foure zeires.

40 That in-bringers of victual, suld be favourablie treated.

ITEM, For in-bringing of victualles, it is ordained, that strangers that bringis in victualles, be favorably treated, and thankefullie payed for their victualles: And that there be na new custome tane of them, and that there be na mair victuall tane to the Kingis parte, bot allanerly alsmeikle as will serue his houshalde: And richt-swa, gif *Scottis* merchandes bringis in victuall out of *England*, that they be favourablie treated, as said is.

FINIS.

THE

THE ELLEVENTH PARLIAMENT OF KING IAMES the Second, halden at Edinburgh, the fourth daie of the Moneth of *Auguſt*, the zeir of God, *ane thouſand, foure hundreth, fiftie fiue* zeires.

41 *The Annexation of landes to the Crowne.*

ITEM, In the firſt, forſameikle as the pouertie of the Crowne, is oft-times the cauſe of the povertie of the Realme, and that manie vther inconvenients ar there throw, the quhilkis were lang to expreeme, be the adviſe of the full councell of the Parliament; It is ſtatute and ordained, that in ilk parte of the Realme for the Kings reſidence, quhair it happenis him to be, there be certaine Lordſhippes and Caſtelles annexed to the Crowne, perpetually to remaine. The quhilk may not be giuen in fee and heritage awaie, nor in franck-tenement to onie perſon, of quhat eſtaite or degree that euer he be, but aduiſe, deliuerance and decreete of the haill Parliament, and for great ſeeand and reaſonable cauſes of the Realme. And albeit it happenis our Soveraine Lord that now is, or onie of his Succeſſours kinges of *Scotland*, til annaly or diſpone vpon the Lordſhippes & Caſtelles annexed to the Crowne, as is before ſaid, that alienation or diſpoſition ſalbe of nane availe. And it ſalbe lauchfull to the King, beand for the time to receiue thay landes, quhen euer him likis to his awin vſe, but onie proceſſe of Law, and the takers ſall refound all profites, that they haue taken vp of thay landes againe to the King, for all the time that they haue them, and that our Soueraine Lord, that now is, be ſworn, and in like maner al his Succeſſours Kinges of *Scotland*, into their Coronation, to the keiping of this ſtatute, and al the poyntes thereof. Thir are the Lordſhipppes and Caſtelles annexed to the Crowne.

In the firſt, the haill cuſtomes of *Scotland*, the quhilkis were in our Soveraine Lordis handes the daie of his deceaſe. And that our Soveraine Lorde that now is, content them that hes penſiones given foorth of the Cuſtome, with vther thinges: ſa that the haill cuſtomes may re-

remaine till him. Item the Lordſhip of *Ettrick* forreſt, with al the bounds perteining thereto. Item, the haill Lordſhippe of *Galloway*, with ſik freedomes, commodities, as it hes thir daies, togidder with the Caſtle of *Creiſe*. Item, the Caſtle of *Edinburgh*. Item, the landes of *Ballincreiſe* and *Goſſuird*, togidder with all the landes lyand about, perteining to the King, within the Schireffedome of *Louthiane*. Item, the Caſtle of *Striviling*, with all and ſindrie the Kingis landes lyand about it. Item, the Caſtell of *Dumbertane*, with the landes of *Cardroſſe*, *Roſneth*, with the penſion of *Cadrow*, and the penſion of the ferme meile of *Kirk-Patrick*. Item, *Cadzow* the haill Erledome of *Fife*, with the palice of *Falk-land*. Item, the Erledome of *Stratherne* with the pertinentes, the houſe and Lordſhippe of *Breichin*, with the ſervice and ſuperioritie of *Cortoquhay*. Item, the houſe of *Innernes* and *Vrquhard*, and the Lordſhippes of them, and the Lordſhippes of *Abernethy*, with the water mailles of *Innernes*, togidder with the Barronnies of *Vrquhard*, *Glen-urquhane*, *Boneich*, *Bonochar*, *Annach*, *Edderdaile* called *Ardmãnach*, *Pecty*, *Brachly*, *Stratherne* with the pertinẽts. Item, the *Reid Caſtelle* with the Lordſhippe of *Roſſe* perteining thereto, And that the annexationes of thir Lordſhippes and Caſtelles to the Crowne, make na prejudice to our Soveraine Ladie the Queenes infeftment, that now is, anent the Lordſhippes and Caſtelles aſſigned till her dowrie be our Soueraine Lord and the three Eſtaites.

42 The office of Wardaine ſuld nocht be heretable: They are nocht iudges in cauſes af treaſon or dittay.

ITEM, It is ſtatute and ordained, that in time to come, there be na Wardanes on the Bordoures maid in fee and heritage. And that the Wardaines haue na power to know of the poyntes of treaſon, ſaifand the poyntes quhilkis are needefull for the conſervation of the trewes. And ſwa that the Wardaine courte intrometwith nathing that perteinis to the dittaie of the Iuſtice aire.

43 That all Regalities being in the Kingis handes, be annexed to the Royaltie.

ITEM, That all Regalities that are now in the Kingis handes, be annexed to the Royalty. And that in time to cum, there be na regalities granted without deliverance of the Parliament.

44 That na office be giuen in fee and heritage in time to-cum.

ITEM, That there be na office in time to cum giuen in fee and heritage, and that the offices that are given ſen the deceaſe of OVR SO-

SOVERAINE LORDE, that deade is, be revoked and annulled, exceptand the Wardanery of the Marche, the quhilk our Soveraine Lorde hes given to his Sonne, *Alexander* Erle of *Marche*, and Lord of *Annand-daill*.

ITEM, It is ſtatute and ordained, that quhair euer offices of cuſtomes that are reuoked, the quhilkis were granted till ony perſon, that maid coaſt at the King therefore: It ſalbe recompenſed to them, the profites vptane thereof in the meane time beand conſidered.

45 Sornares ſuld be puniſhed to the death.

ITEM, Quhair euer Sornares be ouertane in time to come, that they be deliuered to the Kingis Schireffes, and that ſo orthwith the Kingis Iuſtices do Law vpon them, as vpon a thiefe or rieuer.

46 That there be twelue perſones vpon the ſecreit Councell of Burrowes.

ITEM, It is ſtatute and ordained, for the commoun profite of all Burrowes of the Realme, that there be aucht or twelue perſones, after the quantitie of the towne, choſen of ſecreit councell, and ſworne thereto: the quhilkis ſall decreit al maters of wrang and vnlaw within the Burgh, to the availe of fiue pound, or aucht pound, within aucht daies warning: Swa that in prejudice of the innocentes, the delayer haue not the priviledge of the proceſſe of law, bot vpon aucht daies warning to be decided be the ſaids perſones.

47 The maner of arraymentes for the Parliament.

ITEM, As touching the habites of the Earles, Lordes of Parliament, Commiſſioners of Burrowes and Advocates, ſall haue and vſe at all Parliamentes and Generall Councell times: It is ſtatute and ordained, that all Erles ſall vſe mantilles of browne grained, open before, furred with quhite lyning, and lyned before out-with ane hande breadth to the belt ſteede, with the ſamin furring, with little hudes of the ſamin claith, and to be vſed vpon their ſhoulders. And the other Lordes of Parliament to haue ane mantill of reide, richt-ſwa opened before, and lyned with ſilke, or furred with criſtie gray griece or purray, togidder with ane hude of the ſamin claith, furred as ſaid is. And all Commiſſioners of Burrowes, ilk ane to haue ane paire of Clokes of blew, furred fute ſide, open on the richt ſhoulder, furred as effeiris, and with hude of the ſamin, as ſaid is. And quhat Erle, Lord of Parliament, Commiſſioners of Burrowes, that enters in Parliament or generall Councell, but the ſaid habite furred, ſal foorth-with pay there-after ten pound to the King vn-

for-

forgiuen. And that in ilk Burgh quhair Parliament or general Councell ſalbe halden, there be ordained quhair the Barre vſes to ſtand, a ſeate of three ſeges, ilk ane hiare then other, to the Commiſſares to ſit on, vnder the paine of ten pound to be rayſed of the Towne, quhair the Parliament or generall Councell ſalbe halden, and the ſaid ſeges vn-maid, als oftals they ar halden.

ITEM, That al men that are fore-ſpeakrs for the coiſt, to haue Habites of greene, of the faſhion of a tunikill, and the ſleeues to be open as a Talbert. And quhilk of the Fore-ſpeakers that wantis it in that time of the ſaide Parliament or Generall Councelles, the ſaids habites, and afterwardes ſpeakis for meed, ſal pay fiue pound to the King.

FINIS.

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forgiuen. And that in ilk Burgh quhair Parliament or general Councell ſalbe halden, there be ordained quhair the Barre vſes to ſtand, a ſeate of three ſeges, ilk ane hiare then other, to the Commiſſares to ſit on, vnder the paine of ten pound to be rayſed of the Towne, quhair the Parliament or generall Councell ſalbe halden, and the ſaid ſeges vn-maid, als oftals they ar halden.

ITEM, That al men that are fore-ſpeakrs for the coiſt, to haue Habites of greene, of the faſhion of a tunikill, and the ſleeues to be open as a Talbert. And quhilk of the Fore-ſpeakers that wantis it in that time of the ſaide Parliament or Generall Councelles, the ſaids habites, and afterwardes ſpeakis for meed, ſal pay fiue pound to the King.

FINIS.

THE TVVELFTH PAR-LIAMENT OF KING IAMES the Seconde, halden at Striviling the thretteenth daie of October, the zeir of God, ane thousand, foure hundreth, fiftie fiue zeires.

48 *The maner of taikening, for bailes making.*

ITEM, It is ſeene ſpeedefull, that there be coiſt maid at the eaſt paſſage, betuixt *Roxburgh* and *Berwick*. And that it be walked at certaine ſuirds, the quhilkis git miſter be, ſal make taikenings be bailes burning & fire. In the firſt, a bail to be maid at *Hume*, be the walkers at that ſuird, quhair it may be ſeene at *Hume*: And als that the ſamin perſones may come to *Hume* in proper perſon, and their bailes to be maid in this maner. Ane Baile, is warning of their cummingè, quhat power that euer they bee of: twa bailes togidder at anis, they are cumming in deed: four bailes, ilk ane beſide vther, and al at anis as foure candelles, ſuithfaſt knawledge, that they ar of great power and meanis far, as to *Hadingtoun*, *Dumbar*, *Dalkeith*, or thereby. The ſamin taikeninges to be watched and maid at *Eggerhope* Caſtel, fra they ſe the fire of *Hume*, that they fire richt-ſwa. And in like maner, on *Sowtra* edge ſal ſee the fire of *Eggerhope* Caſtell, & mak takening in like maner. And then may all *Louthiane* be warned, and in ſpeciall the Caſtell of *Edinburgh*, and their foure fyres to be maid in like maner, that they in *Fiſe*, and fra *Striuiling* eaſt, and the eaſt parte of *Louthiane*, and to *Dumbar* all may ſee them, and cum to the defenſe of the Realme. And they will not be ſleuthfull them ſelfe, for to be warned of their fyres, they ſall wit of their cumming ouer *Twecde*, & then cõſidering that their far paſſage, we ſal god-willing be als ſoone reddie as they, & al people be weſt

to draw to *Edinburgh*, and fra *Edinburgh* East to *Hadingtoun*. And all Merchandes of Burrowes to perſew the East quarter, quhair it paſſis, and at *Dumpender-law* and *North-berwik-law* Bailes to be brunt in forme before written, for warning of the ſea coaſt. And gif onie *Scottiſ man* dois onie treaſon, that is to ſay, warnis of the ryding of ane hoiſt, or onie *Scottiſ-men* to do harme in *England*, or to *Engliſh-men*, and that may openly be knawen vpon him, he ſal haue furth with the commoun Law, & be hanged and drawen, and his gudes eſcheit to the King.

49 Of perſones ſclandered or ſuſpect of treaſon.

ITEM, Gif onie perſon or perſones be ſclandered or ſuſpect of treaſon, they ſall be tane and remaine in firmance, and their gudes vnder ſure Borrowes, quhill the time they haue thoiled ane Aſſyſe, quhidder they be quite or foule.

50 That nane paſſe in England *in time of weir.*

ITEM, That na man paſſe into *England* without leaue of the King, the wardane, or of them he giues power to, in that part, in time of weir, vnder the paine of treaſon.

51 That na Engliſh-man *cum in* Scotland *without conduct,*

ITEM, Gif ony *Engliſh-man* cummis in the Kinrik of *Scotland*, to Kirk mercat, or onie vther place, but conduct or aſſurance of the King, the wardane, or them the power hes, he ſalbe lauchfull priſoner to quhat perſon, that likes to take him.

ITEM, gif onie *Scottiſ-man* bring in onie *Engliſh-man*, or meitis them at onie tryiſtes, not hauand power, they ſalbe taken, and put in firmince, their guds taken & arreiſted, to the time that they be puniſhed at the Kinges will and the warandes.

ITEM, that na *Scottiſ-man* ſit vpon na ſpeciall aſſurance of onie *Engliſh-man*, but leaue of the King or the wardane, vnder the paine of treaſoun.

52 That na Scottiſ-man *ſupply* Berwike *or* Roxburgh: *Of parting of gudes taken fra the enemies*

ITEM, That na *Scottiſ-man* ſupplie *Berwike* nor *Roxburgh* with na victuall, fewall, nor nane vther ſupportation, vnder the paine of treaſon. And quhen the Wardane rydis, or ony vther chieftaine, and with him great fellow-ſhip or ſmall, that nane gang awaie with na maner of gud, quhill it be thridded and parted before the chieftaine, as vſe and cuſtome is of the *Marches*, vnder the paine of treaſon, and to be hanged and drawen, and his gudes eſcheit.

53 That na man rieue na maner of gudes nor priſoner.

ITEM, That na man rieue ane vther na maner of gudes, nouther priſoner nor vther, quhilkis they are in poſſeſſion of, in *Engliſh* eird, or in *Scottis*, vnder the paine of death.

54 That nane raiſe a fray in the hoſte wilfully.

ITEM, Gif ony man raiſis afray in the hoiſte in wilfull maner, withouttin cauſe, ſalbe accuſed of treaſon.

ITEM, It is ſtatute, that quhair ſa euer any raides ar maid in *England*, that thir ſaid ſtatutes be deliuered to the headeſ-men. And that they openly gar them be maid knawin till all them that paſſis with them, that nane of them may haue eſſonzie or excuſation of negligence.

56 Of Garniſones to be layd vpon the Bordoures.

ITEM, As tuitching the laying of Garniſones vpon the *Bordoures*: It is adviſed and ordaned be our Soveraine Lord and three Eſtaites, that there be layed in Garniſones, that is to ſay, twa hundreth ſpeares, twa hundreth bowes, vpon the eaſt and middle *Marches*: And vpon the weſt *Marches* to be layde ane hundreth ſpeares, and ane hundreth bowes. And for the making and finding of their expenſes, there ſalbe foorthwith written letters to al the Schireffes to ſend in write to our Soverain Lord the names of all and ſindrie the Lordes, Barronnes, and free-halders, alſwell dwelland within the boundes of Regalities as Royalties, and the availe of ilk man, their landes, rentes, poſſeſſiones, and the availe of their moveable guds, als neare as can be eſtemed. And thereafter the Lords that ſal ſit, after the cumming of the ſaid writtes fra the Schireffes, ſall adviſe how many ilk Lorde and Free- halders ſall finde, quhen and quhair. And they that are neare hand the *Bordoures*, are ordained to haue gud houſhaldes and weil abuilzied men, as effeiris.

And to be reddie at their principall place, and to paſſe with the Wardaines, quhen & quhair they ſalbe charged.

[.·.]

FINIS.

THE

THE XIII. PARLIAMENT
OR GENERALL COVNCELL
of King Iames the Seconde, halden at

Edinburgh the nine-teenth daie of *October*,
the zeir of God, ane thouſand, foure hundreth,
fiftie ſex zeires.

57 *That all men be reddie for defenſe of the Realme: and in quhat maner.*

ITEM, It is ordained, that all maner of men, that hes landes or gudes, bee reddie horſed and geared, and after the facultie of his landes and gudes, for the defenſe of the Realme, at the commandemente of the Kingis Letters bee baillis or outhornes. And quha ſa beis not, he wil be puniſhed in hisperſon and gudes. And that all maner of men betuixt ſextie and ſexteene, be reddie on their beſt adviſe to come to the *Bordoures* and defend the land, quhen onie wittering cummis of the in-cumming of a greate *Engliſh* hoaſt. And that na puir man, nor vn-bodin be charged to come to anie raides in *England*. And that ilk man, that his guds extendis to twentie markes, be bodin at the leaſt with a Iack, with ſleeues to the hand, or ſplents, and ane pricked hat, a ſword and a buckler, a bow, and a ſchaiffe, gif he can get it: And gif he cannot, to haue an axe and ane targe outher of ledder or of firne buird, with two bandes vpon the back. And throw-out all the Schires they be warned to provide for ſik thinges, and to make their weapon-ſchawinges before the Schireffes, Baillies or Stewartes of the Regalitie on the morning after the Law-daies after *Zule*. And quha that cummis not bodin, as effeiris, after his facultie, to be puniſhed in his gudes. And ſwa foorth their weapon-ſchawings to be maid and continued fra threttie daies to threttie daies,

58 The rule of the Peſtilence.

ITEM, As to the third article belangand the Peſtilence and gouernance of it: The Clergie thinkis, that there ſould no man to land nor to Burgh, that hes gudes to ſerue him ſelfe and his meinzie, be put out of his owne houſe, les then he will not remaine, nor will not be cloſed vp in his owne houſe. And gif he diſobeyis his nichtboures in that caſe, he ſall be compelled to paſſe out of the towne. And gif there were onie perſones, that had na gudes to finde them ſelfe, put foorth of ony town, they of the towne ſulde finde them, and not let them paſſe awaie fra the place, that they were depute to remaine, to file the country about them. And gif ony ſik put out of the towne wauld ſteale awaie, they of that towne that put him out, ſould garre follow him and bring him againe, and compell him to remaine, and puniſh him for his awaie paſſing. And that no man burne an others houſe, bot gif it micht be done but hindering or skaith of his nichtboures.

59 The money and the gold cryed higher.

ITEM, As to the article belangand money: It is ſtatute, that the ordinance in the Parliament maid of before, anent the in-bringing of Bulzeon be better puniſhed and keiped, then it hes bene in time by-gane. And that there be mony of vther Countries cryed till haue courſe in the Realme, ſik as the *Henry* Nobles of Pace, to be cryed to twentie twa ſhillinges. The *Salute*, the *Rider*, the *Crowne*, the *Dolphin* to elleven ſhillings: The *Rheniſh* Guilding to aucht ſhillings. And to the intēt, that the *Demyes*, that ar keiped in hande, haue courſe and come out-throw the Realme, and ſyne to remayne in the Realme, and not be had out of it: It is thocht expedient, that the *Demy* be cryed to ten ſhillinges, And the new *Lyon* to haue courſe for ten ſhillinges, as it hes. And the new groate to twelue pennies: Norwithſtanding that it was ordaned to haue courſe for aucht pennies fra certaine time foorth. And the ſex penny groate till haue courſe as it hes. And that there be cuinzied of ilk pound in ſmal pennies a ſhilling. And that the Wardaine ſee, that that be done to the fynes of the mater, that is cunzied, as he will anſwere therefore. And that the *Engliſh* groate, and halfe groate, and penny haue courſe, as they had of before. And that the Lordes and Auditoures of the Checker, earneſtlie purway and examine the fines baith of Gold and ſiluer, the quhilk is preſented to them vpon the Checker in a buiſt be the Wardaines of the cuinzie. And that the cuinzioures vnder the paine of dead, nouther cuinzie *Demy*, nor vther that is cryed till haue courſe in the land, nor zit ſex-penny-groates.

60 Of Faires.

ITEM, As touching the complaintes maid by the Commiſſares of Burrowes of the Realme, that puir commounes ar greattumlie injured

red and oppreſſed be the Kingis Schireffes, Conſtables, and their miniſters in time of Faires, takand diſtreſſes of their gudes of little quantitie quhilk they bring on their heades or their backes, or in their armes, in like maner of Karris, Sleddes and ſmal tymmer: It is ſeen ſpeedeful, that of ſik gudes of little quantitie or price, na diſtreſſe be tane in time to come for auld vſe and cuſtome. The Schireffes ſulde haue, bot the beſt Oxe or Cowe or vnridden horſe, quhilkis are ſtalled and broucht to ſel. Item, of greate ſtalles of Merchandice, quhilks cummis on horſe backes, or covered craimes, that occupyis the Faires, of the quhilkis they haue vſe to tak their diſtreſſe for the continuation of Faires, the quhilk diſtres aught to be deliuered againe at the courte of the Faire, gif the perſon hes done na default nor diſtroubling in the Faire.

61 *Of the downe-laying of Conſtable fees.*

ITEM, Quhair the Conſtable deputes and his miniſters in the time of the Seſſion and generall Councell and Parliament, takis diſtreſſes for Conſtable fees of all maner of gudes, greate and ſmall, that cummis to the mercat to ſell, baith merchandice and victuall: It is ſeene ſpeedefull, that that vſe be layde downe and forbidden in time to cum: Bot gif the Conſtables feftment beir him till it, and that they be ſchawen to the King and the three Eſtaites al in the nixt Parliament or generall Councel. And that in the meane time the Conſtable ceaſe. For there can be no law founden according to that vſe.

FINIS.

THE XIIII. PARLIAMENT OF KING IAMES the Second, halden at Edinburgh, the ſext daie of the Moneth of *March*, the zeir of God, *ane thouſand, foure hundreth, fiftie ſeuen* zeires.

62 Quhat power the Lordes of Seſſion ſall haue.

ITEM, The ſaidis Lordes of the Seſſion ſall haue power to know and decide al ſpoliationes, maid fra the daie of the Coronation of our Soueraine Lorde the King, to the ſaid firſt daie of *Ianuar*, for the ſpace of a zeir to cum. The quhilk zeire gane and out-run, all ſik ſpoliationes maid before the ſaid firſt day of *Ianuar*, ſal be decided and determined before the Iudge ordinar of the Realme, the Lordes of Seſſion hauand na power to knaw vpon them, after the ſaide zeir be out-run. The quhilkis actiones of ſpuilzie, conſiſtis in twa maners: The firſt is ſpoliation of moveable gudes, nouther touching fee nor heritage, the quhilk indifferentlie ſalbe decided before the Lordes of Seſſion. The ſecond ſpoliation, that is to ſay, done becauſe of landes or poſſeſſiones debaitable, or grounded on fee and heritage: And vpon that ſpoliation, the Lordes of Seſſion ſall proceede thus: That is to ſay, quhen the partie ſpuilzied compleinzies before the Lordes of the Seſſion on ony perſon; the Lordes ſal call the Schireffe, and furth-with ſall garre reſtore the ground without prejudice of ony partie, tuitchand that fee and heritage, and recogniſh the landes in the Kings hands. Vpon the quhilk ſpoliations maid, vnto the time they be louſed be the King, and the King to make inquiſition be tane be the Schiref, quha was lauchfull poſſeſſour of thay Landes. And that inquiſition to retoure againe to the King, and thereafter let them to brough to that laſt lauchful poſſeſſor of thay lands. And als the ſaidis Lordes ſall knaw vpon all ſpoliationes of tackes and maillinges. And alſwa to knaw vpon all obligationes, contractes, and all maner of debtes, and vther ciuill actiones, the quhilkes concernis nouther fee nor heritage. And the parties compleinzeand to haue full freedome to follow their actiones before the ſaids Lordes or their ordinar

Iudge

judge. And for till eſchew malitious vexationes of ony partie followand or defendand before the Seſſiones, the ſaid Lordes ſall foorth-with gar the expenſes be payed to the partie wrangeouſly vexed be the modification of the ſaid Lordes.

63 *The maner how the cauſe ſall be brocht before the Lordes.*

THE Maner as the cauſe ſalbe brocht before the Lordes of the Seſſion is this. The Schireffes of the Schires, quhair the ſaid Lordes ſall ſit, ſalbe nowe warned to proclaime in ilk ane of thir places three Moneth of before the Seſſion, to be halden at dayes and place before written. And gif ony perſones hes ony actiones to follow, he ſall warne them to paſſe to the Kingis Chappell, and raiſe Summoundes peremptour, vpon fourtie daies warning, and call his partie before the Lordes of the Seſſion, the quhilkis ſall miniſter vnto them juſtice, as effeiris. And the ſummoundes to bee vnderſtood vpon actiones done before the proclaime of the Seſſion. The partie ſall anſwere perempt ourlie vpon ſhorter time, after as he beis ſummounde, ſwa that the time of the ſummoundes extende to fifteene daies. And gif ony action perteining to the ſaide Lordes knowledge, bee continued in the time of the ſaid Seſſion, in the Schire quhair the Seſſion ſittis be ony perſones, thay perſones to be arreiſted furth-with, with a Maſer, and juſtice to be done thereupon, as effeiris. And allvther cauſes perteining to the knawledge of the ſaid Lordes, ſalbe vtterly decided, and determined be them, but ony remeid of appellation to the King or the Parliament. And quhat perſon, that euer purchaſſis a ſummoundes vpon the partie, and he haue ony preeuis to lead, that he raiſe then a ſummoundes vpon his preeues, and bring them with him to the Seſſion, as he will be ſerued.

64 *The expenſes of the Lordes.*

ITEM, As tuitching the expenſes of the Lords before written, and the places that they ſall ſit in, and the greate gude of the Realme conſidered: The Lordes of the three Eſtaites thinkis, that the ſaidis Lordes of the Seſſion of their awin benevolence, ſuld beare their awin coiſtes, conſidering the ſhortneſſe of the time of their ſitting, the quhilk is bot fourtie daies, and peraduenture in ſeuen zeire not to cum againe to them. And to ſupporte ſum parte of their expenſes, they ſall haue the Kingis vnlaw of their awin court, the quhilk ſalbe fourtie ſhillinges vnforgiuen, to be diuided betuixt them, and the Clerk of the Regiſter be euenly portions.

65 *Weapon-ſchawinges, Fute-ball, Golfe, and Archers*

ITEM, It is decreeted & ordained, that the weaponſchawings be halden be the Lords and Barronnes Spiritual and Temporal, foure times in

in the zeir. And that the fute-bal and golfe be vtterly cryed downe, and not to be vſed. And that the bow-markes be maid at ilk Pariſh Kirk a pair of Buttes, & ſchutting be vſed. And that ilk man ſchutte ſex ſchottes at the leaſt, vnder the paine to be rayſed vpon them, that cummis not at the leaſt, twa pennyes to be giuen to them, that cummis to the bowe-markes to drinke. And this to be vſed fra *Paſche* till *Alhallow-mes* after. And be the nixt Midſommer to be reddy with all their graith without failzie. And that there be a bower and a fledgear in ilk head town of the Schire, And that the toun furniſh him of ſtuffe and graith, after as needs him thereto, that they may ſerue the countrie with. And as tuitching the futeball and the golfe, to be puniſhed be the Barronnis vn-law, and gif he takis not the vn-law, that it be taken be the Kingis officiares. And gif the Parochin be meikle, that there be three or foure, or fiue bow-marks in ſik places, as gainis therefore. And that al men, that is within fiftie, and paſt twelue zeires, ſal vſe ſchutting.

66 *Of the Deakon of Gold-ſmithes: and of the marking of their warke.*

ITEM, As anent the reformation of gold and ſiluer wrocht be gold-ſmithes, and to eſchew the deceiuing done to the Kingis lieges, there ſalbe ordained in ilk Burgh quhair gold-ſmithes workis ane vnderſtand-and and a cunning man, of gud conſcience, quhilk ſalbe Deakone of the craft. Aud quhen the warke is brocht to the gold-ſmithe, and it be gold, what gold that beis brocht till him, he ſall giue it foorth againe in warke na war, nor elleuen graines. And the ſaid gold-ſmith ſall take his warke or he giue it foorth, and paſſe to the Deakone of the craft, & gar him examine, that it be ſa fine as is before written. And the ſaid Deakon ſall ſet his marke and taken thereto, togidder with the ſaid gold-ſmithes. And gif faulte be founden therein, afterwards the Deakone foreſaid and gold ſmithis gudes ſalbe in eſcheit to the King, and their liues at the Kingis will. And the ſaide Deakone ſall haue to his fee of ilk ounce wrocht, an penny: And quhair there is no gold-ſmithes, bot ane in a towne, he ſall ſhew that warke takened with his awin marke to the head Officiares of the towne, quhilkis ſall haue a marke in like maner ordained therefore, and ſalbe ſet to the ſaid warke. And quhat gold-ſmith, that giuis foorth his warke vther waies, then is before written, his gudes ſalbe confiſcat to the King, and his life at the Kingis will.

67 *That na litſtar bye claith to ſell.*

ITEM, It is ſene ſpeedeful, that lit be cryed vp, and vſed as it was wont to be. And that na Litſtar be Draper, nor bye claith to ſell againe, nor zit thoiled thereto, vnder the paine of eſcheit.

68 Quhat men ſuld ſaill in Merchandice.

ITEM, Anent the Eſtaite of Merchandice, and reſtriction of the multitude of ſaillers, it is ſeene ſpeidfull be the eſtaite of Clergie and the Barrones, and ſtatute be the King, that their ſall na perſones, bot abill and of gude fame, and that he haue at the leaſt three ſerplaithes of his awen gudes, or elſe the availe thereof committed til him. And that the ſailleres in Merchandice be free-men of Burrowes, indwellares within Burgh.

69 The habites for Lordes of Seſſion and men of Law.

ITEM, As anent the habites of Earles, Lordes of Parliament, Commiſſioners of Burrowes, and men of Law, it is ſene ſpeedfull, that they be maid and vſed after the tenour of the act maid thereupon. And that the King make a patron of ilk habit, and all the laif to be maid thereafter.

70 Reformation of Hoſpitalles.

ITEM, As anent the reformation of hoſpitalles: It is ſeene ſpeedefull, that our Soveraine Lord charge his Chancellar, quhilk of Law aucht to viſie the hoſpitalles, founded be Kings, & they joyne to him the ordinar of ilk dioceſie, & others twa perſons of good conſcience to viſit the the ſaid hoſpitalles. And quhair they can get the foundations of them, to garre them be keiped. And quhair na foundation can be gotten, to make inquiſition of the cuntrie, and refer to the King to ſee the remeid therefore.

71 Of coſtly claithing, and that na woman cum to the Kirk muſſaled

ITEM, That ſen the Realme in ilk eſtate is greatumlie pured throwe ſumptuous claithing, baith of men and women, and in ſpeciall with in Burrowes and commouns of Land-wart: The Lordes thinkis ſpeidfull, that reſtriction be thereof in this maner: That na man within burgh that liuis be merchandice, bot gif hee be a perſon conſtitute in dignitie, as Alderman, Baillie, or vther gud worthy men, that ar of the councell of the towne, and their wiues weare claithes of ſilk, nor coſtly ſcarlettes in gownes, or furringes with mertrickes. And that they make their wiues & dauchters in like maner be abuilzied, ganand and correſpondant for their eſtate, that is to ſay, on their heads ſhort curches, with little hudes, as ar vſed in *Flanders*, *England*, & vther cuntries. And as to their gownes, that na women weare Mertrickes nor letteis, nor tailes vnfitt in length nor furred vnder, bot on the Halie-daie. And in like maner the Barrones and vther puir gentlemen, and their wiues, that ar within fourtie pound of auld extent. And as anent the commounes, that na Laborers nor husband men weare on the warke daye, bot gray and quhite, and on the Haly-daie bot licht blew, greene, redde, & their wiues richtſwa, & courchies of their awin making, & that it exceed not the price of xl. pennyes the elne. And that na woman cum to Kirk, nor mercat with her

hir face muſſalled, or covered, that ſcho may not be kend, vnder the pane of eſcheit of the courchie. And as to the Clerks, that nane weare gownes of ſcarlet, nor furring of mertrikes, bot gif he be ane perſon conſtitute in dignitie in Cathedrall or Colledge Kirk: or elſe, that he may ſpende two hundreth markes, or greate Nobilles, or Doctoures. And this to be now proclaimed, and put to execution be the firſt day of *Maij*, vnder the paine of eſcheit of the habite, that is to ſay, of the Clerks be the ordinar Iudge, and the laue be the Kinges officiares.

ITEM, it is ſeene ſpeidfull, that Iuſtice Aires be halden, and continued zeirlie through-oute the Realme, for gude of the commounes.

72 *The King, Lordes, Prelattes, Barrones, and Free-halders may ſet their Landes in few-ferme.*

ITEM, Asanent few-ferme, the Lordes thinkis ſpeidfull, that the King beginne and giue example to the laue. And quhat Prelat, Barrone, or free-halder, that can accord with his tennent, vpon ſetting of few-ferme of his awin land in all or in part, our Soveraine Lord ſall ratifie and apprieve the ſaid aſſedation, ſa that gif the tennandrie happenis to be in waird in the Kingis hands, the ſaid tennent ſall remaine with his few-feme vnremooued, payand to the King ſiklike ferme, induring the waird, as he did to the Lord, ſa that it be ſet till a competent availe without prejudice to the King.

73 *That the freedomes of Regales be keeped, and nane abuſed in preiudice of the Kinges Lawes.*

ITEM, As to the Regales; it is ſtatute and ordaned, that all privileges and freedomes be keeped, as they are founden. And gif onie hauand Regall, abuſe it in prejudice of the Kinges Lawes and breaking of the cuntrie, that they be puniſhed be the King and the Law, as effeiris.

74 *Ane vniverſall meaſour to be maid and a ſtandart.*

ITEM, Anent mettes and meaſoures, it is ſeene ſpeidful, that ſen we haue bot a King and a Law vniverſall throw out the Realme, we ſuld haue bot a mette and meaſour generall to ſerue all the Realme, that is to ſay, ane pynt, a quart: quhilk was given be the ordinance of the three Eſtaites, Schir *Iohn Foreſter* that time beand Chalmerlane into the Burgh of *Striuiling*: as for the ſtandart, they to remaine vniverſallie throw-out the Realme. And the firlot ſalbe maid thereafter, that is to ſay, ilk firlot ſall conteine eightteene pyntes of the ſamin meaſour round and in like wide

wyde vnder and abone, the twa buirdes conteinand euen ouer in thicknes ane inch and a halfe, and the breadth ouer within the buirds ſextene inche and a halfe: And the halfe firlot and peck to follow in the ſamin kinde. And of thir ſaid meaſures, that is to ſay, pynt, quart, and firlot, ſalbe maid new three ſtanderts: Ane to ſende till *Aberdene*, ane vther to *Perth*, and the thrid till *Edinburgh*, to remaine, and now to be proclaymed there fra the feaſt of Saint *Michael* nixt-to-cum, That thay meaſures, pynt, quart, and firlot haue courſe, and nane vthers. Swa that in the meane time, all maner of perſones, that thinkis till vſe the ſaid meaſures, may get them, beand burnt and ſealed with the ſeales of thay ſteides, as they will vſe, and be ſerved thereafter. And gif ony perſones after the ſaid termes vſis vther meaſures then thir, and there may be taint gotten thereof be the dittay, or vtherwaies, they ſal pay the vnlaw of the Chalmerlaine air dowble: And gif ony man be founded of auld or of newe fermes of vther meaſures then ar abone written, their foundation ſall ſtand in effect, and the meaſure of their foundation ſalbe proportionate to this meaſure that now is, ſwa that the ſamin quantitie ſall remaine with the giuer and the receiuer, but prejudice of ony of them.

75 He quha takis him to his remiſſion, ſall finde caution to ſatisfie the partie

ITEM, Anent the contentation of parties compleinzeand of divers perſones, quhilkis hes remiſſiones of the King: It is ſeene ſpeedefull for ony partie, quhairof it is pleinzied, and alleagis till his remiſſion, as for ſpuilzie of gudes, outher be thieft or riefe, the partie alleageand till his remiſſion, ſall finde ſicker burrowes, to content the partie compleinzeand within fourtie daies nixt followand. And gif he dois not, he ſall remaine in the Kingis priſon, quhill the ſaide fourtie dayes be runnin, and then his remiſſion to be expyred, and of no value. And as of actiones committed in times by-gane, the partie compleinzeand, ſall haue recourſe to the Lordes of the Seſſion, the quhilkis ſall haue power to gar them be reſtored, after the tenour of the Acte of ſpoliation maid thereupon: Or gif it pleaſis the partie to follow to the thrid aire, after the auld vſe and cuſtome: And there after gif the partie be not content, his remiſſion to be expyred and of nane availe, as is foreſaid.

76 That na free halder be conſtreinzied to the Parliament, bot he be of xx. pounds woorth of land

ITEM, The Lordes thinkis ſpeedefull, that na free halder, that haldis of the King vnder the ſumme of twentie pounds, be conſtreinzied to cum to the Parliament or generall Councell, as for preſence, bot gif he be ane Barronne, or els be ſpecially of the Kingis commandement warned, outher be officiar or be writ.

77 The punition of negligent Officiares

ITEM, OVR SOVERAINE LORD, and his three Eſtaites ordanis and determinis, gif that ony of his officiars or Schireffs, Maires, Baillies, Crowners, Serjandes, Proveſtes of Burrowes, and their miniſters baith to land and to burgh, be foundin faultiſe or negligent in the execution of their offices, and it may be lauchfully prooved on him, or notourly kend, gif the ſaid office perteinis to him in fee and heritage, he ſall tine his Office, and the profite thereof for ane zeir and a day, and to be puniſhed be the King in his perſon and gudes, after the quantitie of his treſpaſſe. And gif his office perteinis to him not in fee and heritage, he ſall tine his office for all the times he hes it, and to be puniſhed in his perſon, after the quantitie of ſik treſpaſſe, at the Kingis wil.

78 That na leagues nor bandes be maid within burrowes nor man-rent.

ITEM, It is ſeene ſpeedefull to the Lordes, that within the Burrowes throw-out the Realme, na leagues nor bands be maid, nor zit na commotion nor riſing of commounes in hindering of the commoun Law, bot at the commandement of their head officiar. And gif ony dois in the contrarie, and knawledge and taint may be gotten thereof, their gudes that ar foundin guiltie therein, to be confiſcat to the King, and their liues at the Kingis will. And that na man dwelland within burgh, be foundin in man-rent, nor ride in rowte in feare of weir with na man, bot with the King or officiares, or with the Lord of the Burgh, that they dwell in, or with their officiares, vnder the ſamin paine. And in like maner, that na indweller within burgh nor land, purches ony Lordſhippe in oppreſſion of his neichtboures in like maner, vnder the ſamin paine.

79 Of them that occupyis Lordes landes againſt their willes.

ITEM, Anent maiſterful-men, that ſchaipis them to occupy maiſterfully Lords landes, baith Spiritual and Temporal: The Lordes thinks ſpeedefull, that the perſones compleinzieand vpon ſik maiſterful-men, ſall cum to the Kingis Schireffe and Baillie, and aske his ground for to be devoyded, or to ſee what reaſon, that partie occupyand the ground pretendis for him: And gif the Schireffe findis na reaſon in the occupation of the grounde, the Schireffe ſall devoyde the grounde baith of him and his gudes: And charge him in the Kingis name, that he make na mair diſtroublance to the Lorde nor his ground in time cumming, vnder the paine of the Kingis Waird. And gif he dois ony thing there attour, foorth-with till arreiſt his perſon, and ſende him to the Kingis Waird.

80 The Iuſtice to take inquiſition of ſornares, bairdes, feinzied fuiles, and maiſter-ful beggares in all Iuſtice aires

ITEM, The Lords thinkis ſpeedefull, that in all Iuſtice aires, the Kingis Iuſtice gar take inquiſition of ſornares, bairdes, maiſter-full beggers, or feinzied fuiles: & outher baniſh them the cuntrie, or ſend them to the Kingis priſon.

81 To ſaw broome and make hedges.

ITEM, Anent plantation of wooddes and hedges, and ſawing of broome: The Lords thinkis ſpeedefull, that the King charge all his Free-halders baith Spirituall and Temporall, that in the making of their *Whitſundayis* ſet, they ſtatute and ordaine, that all their tennentes plant wooddes and trees, and make hedges, and ſaw broome, after the faculties of their maillinges, in place convenient therefore, vnder ſik paine as law and vnlaw of the Barronne or Lord ſall modifie.

82 Of ſawing of quheate, peaſe and beanes.

ITEM, Anent the ſawing of Quheate, Peaſe, and Beanes: It is ſeene ſpeedeful, that ilk man earand with a pleuch of ſeuen Oxen, ſall ſaw at the leaſt ilk zeire, ane firlot of quheate, halfe ane firlot of peaſe, and xl. beanes, vnder the paine of ten ſhillinges to the Barronne of that land, that he dwellis in, als oft as he beis founden faultiſe. And gif the barrone ſawis not the ſaid corne in his domaines, he ſal pay to the King, ten ſhillings: And gif the Barronne beis founden negligent in the receiuing of that paine fra his husbandes, there ſalbe rayſed on him fourtie ſhillinges, als oft as he defaultis, without remiſſion of the King.

83 That na man cum to courtes bot in ſober wiſe:

ITEM, It is ordained and decreeted, that in all Iuſtice aires, Schireffe Courtes, and generally all Courtes of Spirituall and Temporall, that all perſones, Free-halders, and all vtheris of the Kingis lieges, ſal cum thereto in ſober and quiet maner. And that na man bring with him maa perſones then ar in his dailie houſhald and familiars. And fra he be cummin to his Innes, he and they ſall lay their weapons and armour fra them (gif they bring ony with them) and vſe na weapons for that time bot his knife. And gif ony man be feeded, and alleagis feede, or dreade of ony partie, the Schireffe ſall furth-with of baith take law-burrowes, and forbid them in the Kingis name to trouble the Kingis peace, vnder the paine of Lawe. The quhilk paine the King ſall execute without remiſsion, vpon the breakers of the peace foreſaid. And if the Schireffe be negligent therein, he ſalbe puniſhed after the forme of the ſtatute maid of the reformation of faultes of officiares, within the Realme.

84 Of making of Hedges.

ITEM, That na man make hedges of drye ſtaikes, rice or ſtickes, or zit of hewen wood, bot allanerly of lyand wood.

85 Anent wild-foules, and foules of riefe.

ITEM, Anentis birdes and wilde foules, that gainis to eate for the ſuſtentation of man, as Pertrickes, Plovares, and ſik like foules: It is ordained, that na man deſtroy their neſtes, nor their egges, nor zit ſlaye wild-foules in mouting time, quhen they may not flie. And that al men after their power deſtroy neſtes and egges of birdes, and foules of riefe.

ITEM, Anent ruikes, crawes, and vther foules of riefe, as eirnes, biſſettes, gleddes, mittalles, the quhilk deſtroyis baith cornes and wilde-foules, ſik as pertrickes, plovars, and vtheris. And as to the ruikes and crawes biggand in orchardes, trees, and vther places: It is ſeene ſpeedeful, that they that ſik trees perteinis to, let them to big, and deſtroy them with all their power, and in na waies that their birdes flee awaie. And quhair it is tainted that they big, and their birdes flee, and the neſte be founden in the trees at *Beltane:* the trees ſal be faulted to the King: bot gif they be redeemed fra him be them, that they perteined firſt, and fiue ſhillinges to the Kingis vnlaw. And that the ſaid foules of riefe alutterly be deſtroyed be all maner of men, be all ingine of all maner of crafts that may be founden. For the ſlauchter of them ſall cauſe great multitude of divers kinde of wilde-foules for mans ſuſtentation.

86 The ſlauchter of redde fiſh in forbidden time, and paine thereof.

ITEM, As anent redde fiſh, it is ordained, that quha ſa beis convict of ſlauchter of redde fiſh in time forbidden be the law: the doer, and he that biddis it be done, ſall pay ten pound for his vnlaw, but remiſſion. And at the third time, and he be convict of ſik treſpaſſe, he ſall bye his life. And gif ony man be infeft of freedome to fiſh in forbidden time, ſik priviledges ſall ceaſe to the nixt Parliament: and gif ony dois the contrarie, he ſall pay an vnlaw before the Iuſtice: vpon the quhilk treſpaſſe, the Iuſtice-Clerke ſall inquire at the receiuing of the dittay.

87 That nane ſet Creilles in waters

ITEM, That na man in ſmolt time, ſet veſchelles, creilles, weires, or ony vther ingine to let the ſmoltes to goe to the Sea, vnder the paine of ten pound to the King: And that the Schireffe of the land deſtroye them that are maid.

88 To ſee for the deſtruction of Woolfes.

ITEM, It is ordained for the deſtruction of Woolfes, that in ilk cuntry quhair ony is, the Schireffe or the Baillie of that cuntry ſall gadder the

the cuntrie folke three times in the zeir,betuixt S.*Markis* day and *Lamb-r* , for that is the time of the Quhelpes. And quhat euer he be that riſis not with the Schireffe,Baillie,or Barronne within him ſelfe, ſal pay vn-forgiuen a Wedder, as is conteined in the auld act maid thereupon. And he that ſlayis ane Woolfe in ony time, he ſall haue of ilk houſhalder of that Parochin that the Woolfe is ſlaine within, a penny. And gif ony Woolfe happenis to cum in the cuntrie, that wit be gotten of: the cuntrie ſalbe readie, and ilk houſhalder to hunt them, vnder the paine foreſaide: And they that ſlayis ane Woolfe, ſall bring the head to the Schireffe,Baillie,or Barronne,and he ſalbe debtour to the ſlayer for the ſumme foreſaide. And quhatſumeuer hee bee that ſlayis ane Woolfe, and bringis the head to the Schireffe,Lord,Baillie, or Barronne, he ſall haue ſex pennyes.

89 Anent the ſlayers of Hares and deſtroyers of Cunnings.

ITEM, Anent the ſlayers of Hares in ſnaw time, and deſtruction of Cunninges,the three Eſtaites declaris,that to be a poynt of dittay.

90 That all the actes be copied fra the Clerk of the Regiſter, and proclaymed.

ITEM, The Lordes thinkis ſpeedefull, that our Soveraine Lorde commande all his Schireffes and Commiſſaries of Burrowes to cum to the Clerke of the Regiſter, and gar copy al the actes,articles,and ſtatutes abone written,and garre proclaime them openly through their Schires and Burrowes: Swa that nane of his Lieges alleage ignorance of them in time to-cum. And als that the articles and ordinances abone written, the quhilkis ar neceſſar till his Barronnes and Free-halders, be ſchawen at their *Whitſundayes* making, or their Barronne Courtes richtſwa be taken and copyed, and ſchawen to their tennents. Swa that nouther the Free-halder nor tennentes permit the obſeruing of the ſaid decreetes. And that the paines ſet thereupon be dewlie raiſed,that the ſaid actes and decreetes may be obſerued, as effeiris. And attour, ſen God of his grace hes ſende our Soueraine Lorde ſik progreſſes and proſperitie, that all his Rebelles and breakers of his Iuſtice, ar remoued out of his Realme,and na maiſterful partie remainand, that may cauſe ony breaking in his Realme: Swa that his hieneſſe be inclined in him ſelfe and his miniſters to the quiet and commoun profite of the Realme, juſtice and equitie to be keiped among his lieges: His three Eſtaites moſt humblie exhortis and requiris his hieneſſe, to be inclined with ſik diligence to the execution of thir ſtatutes, actes and decreetes abone written,that God may be empleaſed of him and all his Lieges ſpirituall and temporall: And pray till God for him, and giue thanking to him, that ſende them ſik a Prince to their Governour and defender.

FINIS.

A NE TABLE OF THE PARTICVLAR AND VTHER actes maid be King Iames the Second, quhilks ar nocht prented. In the Councel, the thret-

teenth day of *March*, the zeir of God, ane *thousand, foure hundreth, threttie* aucht zeires.

OF halding of Sessiones zeirly.

Fourth Parliament, iiij. of November, 1443.

The last part of the act maid anent the defense of the halie Kirk.
ITEM, ane act in the Parliament, 14. *of* Iulij, *1445. Concerning landes quhilks perteined to King* Iames *the First*

Sext Parliament, xix. of Ianuar. 1449.

Of the examining of Actes of Parliament and generall Councell, bigging of Toures and fortalices.
The Parliament 28. *of* March, *1450. conteining ane particular Acte touching* Iohn Lindesay *of* Dunrod.

Elleuenth Parliament, iiij, of Auguſt. 1455.

That nane receipt Iames, *ſumetime Erle of* Dowglasse.
Of him quha takis ane falſe cuinzieour
Ane Embaſſadour to be ſent to the Paipe.

XIII. Parliament xix. of October. 1456.

Anent weir and defenſe of the Realme.
Anent ſitting of Seſſions.

XIIII. Parliament, vj. of March. 1457.

Of Seſſions. The prouiſion for money. The laſt part of the acte anent hoſpitalles. Anent Beggers. Of Chalmerlane aires. Of taking of ſtreſſes be the Conſtable. Of leeſing makers. Of mure-burne.

FINIS.

THE FIRST PARLIAMENT OF KING IAMES THE THRID, HALDEN AT Edinburgh, the ninth day of October:

The zeir of God, Ane Thouſand foure *hundreth, threſcoir ſex zeiris:* And of his Reigne the firſt zeir.

1 *For obſerving of the honour of haly Kirk.*



ITEM, IN The firſt, it is ſtatute and odained, that the Privilege and honour of halie Kirk, & Spitual perſones be obſerved, keiped, mainteined, and defended in honour and libertie, be our Soverain Lordis authoritie, for the time of his reigne, as it hes bene in the time of his Noble Predeceſſoures & Progenitoures of before, after the forme and ſtatute maid therevpon.

2 *Anent the Queenis Dowrie.*

ITEM, As to the Dowriè of the Queene: it is ordained, that the thrid of the Kingis rentes of aſſiſe, that is to ſay, of landes and cuſtomes, be aſſigned till her tierce and dowrie allanerly, and no furder.

3 *That*

3 That na commendes be purchaſed.

ITEM, Anentis commendes, it is ſtatute, that na commendes of newe or aulde be ſuſteined, or ſuffered within the Realme, nor that commendes purchaſed of before be halden. And that nane of our Soverane Lordes Lieges take vpon hand to purches or take any commendes, nor to hald commends purchaſed of before, outher of Religious or Secular benefice, vnder the paine of tinſell of his temporalitie for his time, and vnder the paine of Rebellion vtherwaies, then is lauchfull to the ordinar to commend for ſex monethes.

4 That na penſion of benefice be taken.

ITEM, That na penſion of new or auld be purchaſed nor taken outwith the Realme nor within, of ony Benefice Religious or Secular, without the conſent of the poſſeſſour, giver and taker, vnder the ſamin paine.

5 The paine of the breaking of the law-burrowes.

ITEM, As anent law-burrowes: It is ſtatute, that gif law-burrowes be broken vpon ony Biſhop, Abbot, or Prelate of haly Kirk, Erle, Lord of Parliament: That is to ſay, in the hurting of their awin perſones or their ſervandes, the borgh or burrowes of him, that findes thay burrowes, and breakis the ſamin, ſall pay to our Soveraine Lord for amerciament, the ſumme of ane hundreth punds. And gif law-burrowes be broken vpon Knight, Barronne, Squier, or great beneficed Clerkes, the ſumme of fiftie pundes. And gif they be broken vpon Burgeſſes, zeamen, or Prieſtes, the ſumme of xxx. punds, togidder with amendis to the partie, les then the law-burrowes bring the treſpaſſoures to the King, or the Schireffe of the Schire, within fourtie daies, or els pay the ſumme, as effeiris, for the perſon, as is before written. And the King to haue the vnlawes of all law-burrowes broken, that is tane be his awin officiares, outher to [illegible]d or to burgh. And the Lords of the Regales and Barronnies, ſal haue the vn-lawes within their landes, quhair ſik burrowes ar taken be them, or their officiares, in ſa far as they haue privilege, after the forme of the auld infeftments and freedomes, as they had before. And this to indure to the next Parliament.

6 That Summoundes be maid of xxi. dayes.

ITEM, As anent Summoundes: It is ſtatute for the eaſe of the Kingis Lieges, that Summoundes peremptour be abbridged to xxj. dayes of all actions cuſtomable, to cum before the King and his Councel, that the Summoundes be execute of the time foreſaid.

7 That na Engliſh-man *haue benefice within* Scotland.

ITEM, That na *Engliſh-man* haue benefice, Secular or Religious, within the Realme of *Scotland*, after the forme of the act maid thereupon be King ROBERT the *Bruyſe*.

8 That na perſones haue money out of the Realme, vnder the paine of eſcheit thereof.

ITEM, It is ſtatute for the mater of money, and for the halding of the ſamin within the Realme, and ordained that na man Spirituall nor Temporall, liege to our Soveraine Lorde, haue, nor ſend na money out of the Realme, vnder the paine of ten pounds vnremittable to the King for amerciament; and als meikle money as he takis or ſendis out of the Realme. And attour, it ſalbe a poynt of dittay, and Seculares to cum before the Kingis juſtice depute in that part, to be limite and ordained be his Hieneſſe, of fifteene dayes proclamation: And gif they be foundin culpable, they ſall pay the ſaid amerciament, togidder with the quantitie of the money that is taken out of the Realme: And Clerkes before their Ordinar and Officiall: and gif they be founden in likewiſe culpable therein, they ſal pay the ſaid amerciament, togidder with als meikle money, as is taken out of the Realme, ſaifand moderate expenſes, to the availe of ane *Engliſh* Noble of ilk perſon. And that Clerkes ſailling or paſſing out of the Realme, ſall cum before their Ordinar or his Official, and mak aith, that they ſall nouther haue, nor ſend na money out of the Realme, bot his ſaid expenſes. And that Seculares ſall cum before the Kingis deputes to be limit at ilk Hauen, and make faith likewiſe. And quha that paſſis Spirituall or Temporall out of the Realme, not giuand his ſaide aithe, ſall be in amerciament to the King of fiue poundes, of Clerkes, to be rayſed be their Ordinar, and of Seculares be his Hieneſſe.

9 Of money and black fardinges.

ITEM, It is ſtatute for the eaſe and ſuſtentation of the Kingis lieges, and almous deede to be done to puir folk: That there be cuinzied copper money, foure to the penny, hauand on th'ane part the croce of *Saint-Andrew*, and the crowne on th'other part, with ſubſcription of *Edinburgh* on th'ane part, and ane *R.* with IAMES on th'other part. And that there be cuinzied three hundreth poundes conteinand ſiluer. And that they paſſe in payment for bread and aile, and vther merchandice, and in greate Merchandice to be taken xij. d. in a pund. And that all vther money, gold and ſilver haue cours, as it had of before, except the new *Engliſh* groate of EDVVARDIS cuinzie to haue courſe amang the Kingis lieges for ten pennyes, and na dearer, and the new Noble of the *Roſe* for twentie fiue ſhillinges. And the Lordes, that ſalbe limited to haue ſtrength of the Parliament in vther cauſes, as is before written, haue power to make ſik rules and ſtatutes of the ſex-penny-groate of the *Floure deluce*, as they ſall think expedient for the gud of the Realme.

10 Anent the reformation of Hoſpitalles.

ITEM, Anent the reformation of Hoſpitalles, and for the keiping of the failzied creatures: It is ſtatute and ordained, that all the Or-

Ordinares of the Realme ſall warne al them that hes Hoſpitalles in their dioceſies, and ſumm ound them till a day be the Kingis and the Ordinaris letters. To the quhilk day the Chancellar, or his deputes ſall cum with the Ordinar, & ſee the infeftments and foundationes. And be the adviſe of the Chancellar and ordinar, to be reduced to their firſt foundationes, quhair-throw Gods ſervice may be obſerued and miſerabill perſones ſuſteined, and quhair the infeftmentes can not be funden, be the adviſe of the Ordinar and the Chancellar, the fruites of the Hoſpital ſalbe aſſigned to pure and miſerable perſones, in ſa far as the fruites are of availe. And that twa gude men of conſcience be warned be the Ordinar, to be with him and the Chancellar, for the reformation to be maid. And that to be done incontinent, or the parting of the Ordinar and the Chancellar.

FINIS.

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THE

THE SECOND PARLIA-MENT OF KING IAMES the Thrid, halden the laſt daie of Ianuar, the zeir of God, ane thouſand, foure hundreth, ſextie ſex zeires.

11 That nane paſſe in Merchandice out of the Realme, but freemen.

ITEM, In the firſt, that nane of our Soveraine Lordis lieges ſaill, nor paſſe in merchandice out of the realme, bot freemen burgeſſes dwelland within Burgh, or their familiares, factoures, ſervandes, being with them in houſhalde at meate and drinke: Saifand, that it ſalbe lauchful to Prelates, Lordes, Barronnes, Clerkes, to ſend their proper gudes with their ſervandes, and to bye againe thinges neidful to their proper vſe.

12 That na man of craft vſe merchandice.

ITEM, It is ſtatute and ordained, that na man of craft vſe merchandice be him ſelfe, nor ſail in merchandice, nouther be him ſelfe, nor his factoures, nor his ſervandes, bot gif he haue leaue, and renunce his craft, but coullour or diſſimulation.

13 That na man ſaill in merchandice without halfe a laſt of gudes.

ITEM, That na man ſail, nor paſſe out of the Realme in ony merchandice, bot a famous and worſhipfull man, hauand of his awin halfe ane laſt of gudes, or ſameikle in ſteiring or governance, vnder the paine of ten pounds to be rayſed to our Soveraine Lords profite of ilk perſon doand the contrarie hereof.

14 That na ſchip be frauchted without a Charter-partie

ITEM, It is likewiſe ſtatute and ordained, that in time to cum, there ſalbe na ſchip frauchted without a Charter-partie contenand thir points

vnder written, that is to say, that the maister of the Schip sall find sufficient steir-man, tymmer-men, and schip-men convenient for the Schip. And that the maister find free to the Merchands fire, water, and salt on his coist. And gif their happenis onie contention or debait betuixt the maister and the merchands, that they sal vnderly the jurisdiction and ordinance of the Burgh, quhairto the schip is frauchted, without ony exception. And that na merchandis gudes be rieven nor spilt with vnreasonable stolling, as with spakes: nor that na guds be schorne, nor stricken vp in na wise into the maisters default, nor his servands: vnder the paine of tinsell of the said fraucht, and amending of the skaith of the Merchandes. And that the maister fure na gudes vpon his ouer-loft: The quhilk and he do, thay gudes sall pay na fraucht, nor na gudes vnder the ouer-loft to scat nor lot with they gudes, in case thay be cassin. And that euery ilk Schip, exceedand fiue last of gudes, sall paye to the Chaplaine of the Nation a sack-fraucht, and within fiue last halfe a sack-fraucht, vnder the paine of fiue poundes to be raised to our Soveraine Lorde the Kingis vse, of ilk person doing in the contrarie hereof. And that na drink-silver be tane be the maister nor his doers, vnder the paine abone written: And hame-ward a Tun fraucht, to the Kirk wark of the towne, that they ar frauchted to.

15 That na schip saill with Staple gudes, fra Simons *day and* Iudis, *quhill* Candel-mes

ITEM, It is statute and ordained, that in time to cum there be na Schip frauchted out of the Realme with ony Staple gudes, fra the feast of *Simons* day and *Iude*, vnto the feast of the Purification of our LADY, called *Candle-mes*, vnder the paine of fiue poundes of the vsuall money of *Scotland*, to be raysed to our Soveraine Lordis vse, of ilk person fraughting ony Schip in the contrair hereof.

16 That na Merchandes sall passe to Bruges *as Staple.*

ITEM, It is statute & ordaned, that nane of our Soveraine Lords lieges sal fra the feast of S. *Peter*, called *ad vincula*, fure ony schips in merchãdice, or guds to the *Swyn*, the *Sluise*, the *Dam*, or *Bruges*, vnder the pain of tinsel of al their guds, & banishing of their persones out of the Realme. And that al persons now havand guds in the townes of *Bruges*, the *Dam*, or the *Sluise*, remove and devoyde them selfe & their gudes off the saids places before the said feast of S. *Peter*. And fra thine furth that they nouther bye nor sel, nor make merchandice in ony of the places before written, vnder the paine foresaid.

17 That merchandes saill to the Rochel, Burdeaux, *and* France.

ITEM. It is statute & ordained in the said Parliamẽt, that it salbe leifful to al merchands in this realme to sail to the *Rochel*, *Burdeaux*, *France*, & *Normandy*, with sik merchandice as is cõvenient therefore, siklike as they did of before. And al staple gudes to remaine in staple, & pas to na mercattes. And this to be obserued and keiped, vnder the paines foresaid.

FINIS THE

THE THRIDE PARLIAMENT OF KING IAMES the Thrid, halden at Edinburgh, the twelfth daie of October, the zeire of God, ane thousand, foure hundreth, sextie seuen zeires.

18 The Proclamation of money higher vp.

ITEM, Our Soveraine Lord the King and his three Estaites in this presen Parliament, findis his hienes and the haill body of the Realme, greatumly hurt and skaithed in the money of this Realme, havand lawer course, then vther Realmes hes about vs, throwe the quhilk the Cuinzie of this Realme is borne out in great quantitie: For the quhilk our Soveraine Lorde and his three Estaites in this presen Parliament, hes statute and ordained, that the money of vther Realmes: That is to say, the *English* Noble, HENRY and EDVVARD with the *Rose*, the *French* Crowne, the *Salute*, the *Lew*, and the *Rydar*, sall haue course in this Realme of our money, to the value and equivalence of the course that they haue in *Flanders*: That is to say, EDVVARD with the *Rose*, to threttie twa shillinges of our money. Item the auld EDVVARD to foure marks, the ounce of the samin price, as the *Rose* hes course, The HENRY Noble to twentie seuen shillinges, sex pennyes. The *French* Crowne to twelue shillinges sex pennies. The *Salute* to threttene shillinges foure pennies. The *Lew* to fifteene shillinges sex pennies. The *Rydar* to twenty foure shillinges. The *Demy* to twelue shillinges. The *Lyon* with the Crowne to twelue shillinges. Item, the auld *English* groate sall passe for sexteene pennies. The *Borage* groate, as the new groate. The auld groate of EDVVARD for twelue pennies. The Spurred groat, as the auld *English* groate for sexteene pennies. The *English* penny, three pennies. And the new *English* penny richt-swa. The groate of the crowne sall haue course for fourteene pennies. Item the halfe groate seuen pennies. The groate of the *Floure-deluce*, aucht pennies. And the quhite *Scottis* penny and halfe-penny to haue course, as they were woont to haue. And the striking of the black pennies to be ceased, that there be nane stricken in time

to cum, vnder the paine of death. And that ſtrait inquiſition be taken be all Schireffes and Baillies of Burrowes, gif ony ſik ſtryking be maid, and the ſtrikers to be brocht to the King and puniſhed, as is before written, and the bringers of ſik perſones to be weill rewarded therefore, as effeiris.

19 The maner of debtes and contractes paying.

ITEM, Becauſe our Soveraine Lord and his three Eſtaites, conſidders and vnderſtandis, that his Hieneſſe and the haill Realme in ilk eſtate is greatly hurt and skaithed in the changeing and hieing of the cours of the money, as is before written, baith in debtes paying, and contracts, by-gane annualles, wed-ſettes, and lands ſet for lang termes, cuſtomes, and procuracies of Prelates, and all vther debtes, leſſe then they were provided in this preſent Parliament, be our Soveraine Lorde and his three Eſtaites, that baith the creditour and the debtour, the byer and the ſeller, the borrower and the lender, the Lord and the tennent, Spirituall and Temporall, be obſerved to the deſire of the intentes of them, that were in the time of the making of their contractes, and paymente to be maid in the ſamin ſubſtance, that was intended the time of the making of the contractes, maid before this preſente Parliamente: Swa that qnhat variation be maid in the Parliamente of alteration of the money for the commoun gud of the Realme, the ſamin ſubſtance and value redound to the receiuer, like as he ſuld haue had the time of the making of this acte. Therefore our Soveraine Lord, and the three eſtaites, ſtatutes and ordainis, that all debtoures, that awe ony debtes of contractes maid of before, pay to their creditoures of the ſamin ſummes in ſubſtance, as it was intended betuixt them, before the making of this act, in ſik like maner as it zeid immediatly before this act. And proportionally in poundes, ſchillinges, of the reckoning, that it ſalbe in time cumming to raiſe the money, like as it zeid of before. And in like maner all annuall-renteswed-ſettes, landes ſet for termes, cuſtomes, procuracies, and al lvther debts of contractes maid of before, to be payed in ſik like money, as zeid immediatly before this act. Item, all contracts, byinges and ſellinges in time to cum, to be maid of the money after the courſe as it ſall haue in time to cum, or elſe as pleaſis the parties. And attour, in all Obligations maid in times by-gane with this clauſe maid, (of vſual money of *Scotland*) that it be interpreted and vnderſtood to be payed in the value and ſubſtance, as the money had courſe in the time of the making of this acte, and in all maner, forme and effect, as is abone written.

20 That Ferriers make brigges.

ITEM, It is ſeene expedient be the Lordes, for the vtilitie and profite of the Kingis Hieneſſe and his lieges, quhilk divers times paſſis over Ferries with their Horſe, for the ſafetie of the ſamin, that at all paſſages of Ferries of ilk ſide of the water, That is to ſaye, *Leith*, *Kinghorne*, the Queenis Ferry, on the vther ſide of the water, the *Portincraig* and the

East

Eaſt ferrie to be maid brigges of buirds, or portes in ferry boates, for the eaſe of ſchipping of the ſaid horſe. And that the ſaid brigges be maid within twentie dayes nixt following the making of this acte, vnder the paine of tinſel and confiſcation of the boate, and not to vſe the office for a zeir and a day. And that the Kingis letters be written thereupon.

Anent the lawer price of money.

IN Preſence of our Soveraine Lord and the three Eſtaites in plaine Parliamẽt; Ane worſhipful clerk, Maiſter *Archebald Quhite-law*, Deane of *Dumbar*, Secretar to our Soveraine Lord, in the name & behalfe of the hail Clergie. And in likewiſe an honourable man, *Richard* of *Kintor* Burgeſſe of *Aberdene*, in the name and behalfe of the haill Commiſſioners of burrowes, humbly maid requeſt and beſoucht our Soveraine Lord of his Grace, that gif it happenis of caſe, that his hieneſſe in times to cum proclaimis his money to lawer price and les availe, then it is now proclaimed, that therefore ſubſidies & procuracies, cuſtomes and dewties, micht be taken and payed of the money to the availe and price, as they pay. The quhilk requeiſt, our Soverain Lord in preſence of his ſaid three Eſtaites, gratiouſly and heartelie granted in all thinges foreſaid.

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FINIS.

THE FOVRTH PARLIAMENT OF KING IAMES THE Thrid, halden at Edinburgh, the twelfth daie of Ianuar, the zeir of God, ane thousand, foure hundreth, sextie seuen zeires.

21 The crying vp of certaine money.

ITEM, It is statute and ordained, that fra thyne furth the *Scottis* groate of the Crowne, that past for twelue pennies of before, sall haue in time to-cum course amang our Soveraine Lordis lieges for fourtene pennies: And the half groat of the samin for seuen pennies. Item, the auld *Englisch* penny sall haue course effeirand to the auld *Englisch* groate: That is to say, for four pennies. Item, in likewise the new *Englisch* penny of *Edwarde* till haue course effeirand to the newe groate of *Edward* for three pennies. Item, that the quhite *Scottis* penny haue haill course in all payment, quhill the nixt Parliament, and then gif it neidis remeid to be set therefore, as salbe thoucht speedeful. Item, that in time to cum there be tane in paymēt of black money, bot twelue pennies in the pound, & swa descendand proportionally, as the summe descendis. Item, it is ordained for the byeing of the availe of the crowned groate, and *Englisch* pennies to be na hurte contrair the actes maid of before anent the money, bot that act to stand in all force and effect, as it was first maid.

22 The Chalmerlane to see for mettes and measures.

ITEM, Anent mettes and measures: It is statute and ordained, that the Chalmerlane and Schireffes sall put the last acte maid thereupon till due execution in all places, as they will answere to our Soveraine Lord.

23 Anent money till haue ane vniversall course.

FOR As meikle as the Lordes of the three Estaites, depute till advise vpon the money, considers the great murmure that is past, because of diuersi-

diverſities of payment within the Realme, throw the intaking of rentes be the auld payment,& giving out againe be the ſamin price: Conſidering als that the penny-worthes ar riſen with the penny,and meikle dearer then they ar wont to be,that ſulde hie the money till haue generall courſe to the hie price,that ilk man that ſuld receiue ony rentes,ſulde be skaithed to the thride or the fifth parte of his rente, quhilk is to heauie to them in all eſtaites,and till eſchew the greate rumour hereof, and for to content the commounes: It is ſtatute & ordaned, that the money fra thine foorth haue vniverſall courſe throw-out the Realme. And als it is ordained,that the Actes and ſtatutes maid vpon the in-bringing of Bulzieon within the Realme,and als the keiping of money within the Realme,be obſerved and keiped,vnder richt ſair and heavie paines,and richtſwa vther ſtatutes maid for the keiping of the ſamin, that it pas not out-with the Realme.Item, It is ordained, that vnto the time it be adviſed be the wiſeſt of the Realme, and them that vnderſtandis them beſt therein depute thereto,and at great laſour, as effeiris to diſpone the money, as ſalbe ſeene maiſt ſpeedefull for the profite of the Realme, that in the meane time fra this foorth the *Scottis* money: That is to ſay, the *Demy*,the *Lyon*, the groate of the Crowne, and the groate of the *Floure-deluce*,and the ſmall penny,and the farding, ſall haue the ſamin courſe, that they had before the firſt Proclamation,maid in the Parliament, in the moneth of *October*: That is to ſay, the *Demy*,and the *Lyon*, ten ſhillinges: The groate of the Crowne, twelue pennies. The *Flour deluce*,ſex pennies and a halfe-penny,And for the money of vther realms, to draw it within the Realme,they ordained it to haue courſe: the *Engliſh* Noble of the *Roſe*, and the auld *Edward*,keipand pace, for twentie aucht ſhillinges. The Noble of *Henry*, twentie four ſhillinges, The *Lew*,foureteene ſhillinges. The *French* Crowne, elleuen ſhillinges. The *Salute* and the *Rydar* till haue courſe, as they zeid of before. And the auld *Engliſh* groat threttene pennies. And the new *Engliſh* groate elleuen pennies. The *Engliſh* penny three pennies. The ſpurred groate threttene pennies. And the *Scottis* pennies till haue courſe as they had of before. And of the fardinges to take twa ſhillinges in the pund. And attour it is ordained, that gif ony man hes maid ony Obligations or contractes,ſen the laſte Parliament,or lent or boucht, or ſauld, ſen the ſaid time, they ſall paye with ſik like money and ſik like value,as it had courſe in the time, quhen they maid their contract,borrowed,or lent,bocht or ſauld. And this priviledge till indure to them, quhil the feaſt of *Lamb-mes* nixt-to cum,and na langer for their payment,and to outred their ſelfe.

24 Nolt,Scheepe and cattle ſuld not be ſauld furth of the Realme.

ITEM, It is ſtatute and ordained, that na Kye nor Oxen, ſcheepe nor vther cattell be ſauld out of the Realme, be nane of the Kingis lieges, vnder the paine of eſcheit. And the Wardaine ſall haue na power to giue licence in the contrarie hereof.

FINIS. THE

THE FIFTH PARLIAMENT OF KING JAMES the Thrid, halden at Edinburgh, the twentie daie of *November*, the zeir of God, ane *thousand, foure hundreth sextie nine* zeires.

25 Anent the freedome of halie Kirke.

ITEM, In the first, it is statute and ordained, that the freedome of halie Kirk be obserued and keiped in all immunitie, priuiledge and freedome, in likewise, as it hes bene in times of maist noble Princes; Predecessoures and Progenitoures to our Soueraine Lorde of haill minde, quhome God assoilzie.

26 The Iudge Ordinar being partiall, or refusand to do Iustice, sall satisfie the party, and pay an vnlaw to the King.

ITEM, As to the Article of Schireffes and vther Iudges Ordinar, quhilkis will not execute their office, and minister Iustice to the puir people: It is statute and ordained, that the partie compleinzeand in ony parte of the Realme, sall first cum till his Iudge Ordinar of Temporall landes, as Iustices, Schireffes, Stewartes, Baillie, or Barronne, Proveſt or Baillies of Burrowes, and make his complaint, and aske at him administration of Iustice. And gif he gettis justice dewlie execute and ministrate to him, he mon remaine content. And gif the judge Ordinar failzies him, and will not minister him justice, he sall cum to the King and his Councell, and take letters of summoundes, and summound the partie. And in likewise his judge Ordinar, quhat euer he be of Temporall landes. And gif the judge be foundin culpable, and wauld not minister justice, he salbe punished and put fra his office for a certaine time, after the discretion of our Soueraine Lorde and his Councell, and pay the expenses of the partie compleinzeand: And our Soueraine Lord, sal gar minister justice to the partie compleinzeand in that case. And gif the Iudge Ordinar minister

miniſter him partiall juſtice, and dois him wrang in the adminiſtration of Iuſtice: In likewiſe the partie compleinzieand ſall ſummounde him before the King and his councell. And gif before them he be founden culpable or partiall in the adminiſtration of juſtice, be he a Schireffe, Baillie, or vther Officiar of fee, he ſalbe put fra his office for three zeires. And gif he be ane Schireffe or ony vther judge Ordinar for a time, he ſalbe put perpetually fra his Office, and pay the expenſes of the partie, and his perſon to be puniſhed at the Kingis will. And in likewiſe the Officiar of fee. And gif the partie compleinzieand vpon the Ordinar judge, be founden be the King and his councell in the wrang, he ſall pay the expenſes of the ſaide judge Ordinar for his vexation, and his perſon puniſhed at the Kingis will in likewiſe. And gif ony partie hes ony proper action againſt the Schireffe, or ony judge Ordinar, it ſalbe lauchful to him to cum to the King, and outher ſummound his partie before the King, or make an other officiar in that part, to miniſter juſtice to him. And that ilk judge Ordinar, Schireffe, or ony vtheris, ſalbe halden to anſwere for their deputes, as them ſelfe. Nevertheleſſe, it ſalbe lauchful to the Kingis hienes to take deciſion of ony mater that cummis before him, at his empleaſance, like as it was woont to be of before.

27 *Landes may be redeemed be the firſt ſeller fra the firſt byer, or ony vther poſſeſſour.*

ITEM, As touching new inventiones and ſelling of landes be Charter and ſaiſing, and taking againe of reverſiones, and it happen the byer to ſell the ſamin land againe to ane vther perſon: It is now ſeene expedient in this preſent Parliament, and according to law and conſcience, that the firſt ſeller haue recourſe to the ſamin landes, ſauld be him vnder reverſion, to quhatſumeuer handes the ſaids landes cummis, payand the money, and ſchawand the reverſion, and haue ſik privilege and freedome againſt the perſones, that haldis the ſaid landes, as he ſuld haue againſt the principall firſt byer. And becauſe ſik reverſiones may of caſe be tint: Our Soveraine Lord ſall make the ſaid reverſiones be regiſtred in his regiſter, gif it be required, on their expenſes: That is to ſay, of ilk ane, ane halfe marke, the quhilk regiſtred, ſall haue the ſamin force, as the principal reverſion were ſchawed for the time.

28 *Of Obligations to be followed within fourtie zeir, or elſe preſcriue.*

ITEM, As anent Obligations, that ſalbe followed in time cumming, except them, that ar dependand in the Law, before the making of this act: It is adviſed, that the partie to quhome the Obligations is maid, that hes intereſt therein, ſall follow the ſaid obligation, within the ſpace of fourtie zeires, and take document thereupon. And gif he dois not, it ſall be preſcrived, and be of nane availe, the ſaid fourty zeires beand runnin, and vnperſewed be the partie

29 *Officiares within burghs ſuld nocht be continued: The auld Councell ſuld chuſe the new: They twa chooſis the officiars.*

ITEM, touching the election of Officiares in Burrowes, as Aldermen, Baillies, & vther officiars, becauſe of great contention zeirly for the chuſing of the ſamin, throw multitude & clamour of cõmounes, ſimple perſones: It is thought expedient, that na Officiares nor councel be continued after the Kingis Lawes of burrowes, further then ane zeir, And that the chuſing of new Officiares, be in this wiſe: That is to ſay, the auld councell of the toune ſall chuſe the new councell, in ſik number, as accordis to the towne. And the new councell and the auld in the zeir foreſaid, ſall chuſe al Officiares perteining to the towne: As Alderman, Baillies, Deane of *Gild*, and vther officiares. And that ilk Craft ſall chuſe a perſon of the ſamin craft, that ſall haue voit in the ſaide election of Officiares, for the time in likewiſe zeir by zeir. And attour it is thought expedient, that na Captaine, nor Conſtable of the Kingis Caſtelles, quhat towne that ever they be in, ſall beare office within the ſaid towne, as to be Alderman, Baillie, Deane of *Gild*, Theſaurar, nor nane vther officiar that may be choſen be the toun, fra the time of the nixt chuſing foorth.

30 *Notares ſuld be maid be the King, and not be the Emperour.*

ITEM, It is thought expedient, that ſen our Soveraine Lorde hes full juriſdiction, and free empire within his Realme, that his hieneſſe may make Notares and Tabelliones, quhais inſtrumentes ſall haue ful faith in all cauſes and contractes civill within the Realme: And in time to cum that na Notar be maid, nor to be maid be the Emperours authoritie, haue faith in contractes civill within the Realme, leſſe then he be examined be the Ordinar, and apprieved be the Kingis hieneſſe. And that full faith be giuen to the Papall Notares in times by-gane, in all their inſtrumentes. And als that full faith be giuen to all inſtrumentes given of before be the imperiall Notares, like as they are of availe. And attour, that the Notares that beis maid be our Soveraine Lorde, be examined before their Ordinares, Biſhoppes, and haue certification of them, that they ar of faith, gud fame, ſcience and lawtie, according for the ſaide office.

31 *That woollen claith be met be the Rig.*

ITEM, to eſchew deceipt & skaith of our Soveraine Lordis lieges dailie, and at all times ſuſteined, throw the metting of woollen claith be the ſelvedge: It is thoucht expedient, that in time cumming, all woollen claith be met be the rig, and not be the ſelvedge.

32 *The indorſation of the Kingis letters ſuld be ſtamped.*

ITEM, As touching the indorſing of the Kingis brieues and letters, that full faith may be given thereto: It is ſeene expedient in this preſent Parliament, that Schireffes, Baillies, or ony vther officiares, outher

of

of fee,or in that part,that executs the kings brieus or letters,ſet their ſeals or ſignets to them before witneſſe,& procure gif they haue nane, till all execution and indorſing of the ſaide brieues and letters: Swa that faith may be given thereto, and vtherwaies their indorſing till haue na faith.

33 *That the extorſiones of the Kingis lieges be not tane in Faires.*

ITEM, Becauſe there is abuſion foundin in the keiping of Faires,Parliament times, and generall Councelles: That the great Conſtables of Caſtelles, Schireffes or Baillies of Burrowes, take greate extorſiones of the Kingis pure lieges,quhilkis they call their fees,that is not aucht to them: Like as of ilk laid of fleſh,fiſh, victualles, meill or malt, or ſik-like burdinges, as foules on mennis backs,and vther things borne in mennis handes, to the quhilk they haue no reaſon: It is ſeene expedient and ſtatute in this preſent Parliament,that all ſik thinges be fore-borne in the time to cum, and na ſik extorſiones to be taken of the Kingis lieges, vnder the paine of puniſhing of their perſones, at the Kingis will, and to be put fra the execution of their office for ane zeir.

34 *That poynding on* Martine-mes *and* Whit-ſunday *be delayed to the thrid day. Faires on Haly-daies ar forbidden.*

ITEM,Becauſe of keiping of Haly-daies and divine ſervice, quhilks ar greatly broken,and namely, in the poynding for mailles and annualles,in-caſting and out-caſting of tennentes, quhilkis cauſes greate diſſention,and cauſes oft times great gaddering and diſcord vpon ſolemne daies of *Whit-ſundaie* & *Martine-mes*: For the eſchewing of the quhilk, it is thoucht expedient in this preſent Parliament,that the ſaid poynding for mailles and annualles,in-caſting and out-caſting of tennentes,be deferred to the thrid day after *Whit-ſunday* & *Martine-mes*, without prejudice of ony perſones,and in likewiſe there be na Faires halden on haly dayes,bot on the morne after.

35 *Of ſlauchter of fore-thought-fellony and ſuddantie, and fleeing to Girth.*

ITEM,Becauſe of the eſchewing of greate ſlauchter, quhilk hes bene richt commoun amangſt the Kingis Lieges nowe of late, baith of fore-thought-fell onie and of ſuddantie: And becauſe monie perſones committis ſlauchter vpon fore-thoucht-fellonie, in traiſte they ſall be defended throwe the immunitie of halie Kirk and Girth, and paſſis and remainis in Sanctuaries: It is thoucht expedient in this preſent Parliament,for the ſtanching of the ſaide ſlauchters in time cumming, quhair euer ſlauchter is committed on fore-thought-fellony,and the committer of the ſaid ſlauchter paſſis & puttis him in Girth for the ſafetie of his perſon: The Schireffe ſall cum to the Ordinar in places, quhair

quhair he is, vnder his iuriſdiction, and in places exempt to the Lordes maiſters of the Girth, and let them wit, that ſik a man hes committed ſik a crime on fore-thought-fellony: *Tanquam inſidiator & per induſtriam.* For the quhilk the lawe grantis not, nor leauis not ſik perſones to ioyis the immunitie of the Kirk. And the Schireffe ſall require the Ordinar to let a knawledge be taken be ane aſſiſe on fifteene daies, quhidder it be fore-thought-fellonie or not. And if it be founden for-thought-fellony, to be puniſhed after the Kings lawes, & if it be founden ſuddantie, to be reſtored againe to the freedome and immunitie of haly Kirk and Girth. And thereupon to ſet gud ſovertie to the Ordinar. And that ſovertie be-and foundin, the ſaid Ordinar, and the maiſter of the Girth ſall ſuffer the perſones to be had to the ſaid knawledge. And that the Schireffe ſall put to execution the actes of King IAMES the firſt, maid vpon ſlauchter and fugitoures fra the Law: quhilkis bearis in effect, that quhat time ony Schireffe be certified of ony ſlauchter, outher by the partie or ony vther way, hee ſall incontinent raiſe the Kingis horne, and his lieges within the boundes of his office, and paſſe and ſeeke that perſon, and do juſtice on him, after the forme of the Lawes of the Realme. And gif he be fugitiue, and eſcaipis out of the Schireffedome, he ſall ſend ane officiar to the Schireffe, in quhais Schireffedome he enters in, and denunce and ſignifie to him, that ſik a man hes done ſik a treſpaſſe, and fellony againſt the King, within the boundes of his ſchire, and hes eſcaiped out of the ſamin, and cumming within the boundes of his office, chargeing him in the Kingis name, and be vertue of this acte, to raiſe the Kingis lieges and his horne in likewiſe, to perſew that treſpaſſour, quhill he be ouer-tane, or put him out of the Schire, and in likewiſe ſend his officiar to the nixt Schireffe, in quhais Schire the ſaid treſpaſſour enters in, to perſew him, quhill he be ouer-tane, or els put off the Realme. And attour, ilk Schireffe of the Schire, quhair the ſaid fugitour is ſought, and nocht ouer-tane, ſall paſſe to the head burgh of the ſaid Schire, and proclaime of the Kingis name and behalfe, that ſik a man hes committed ſik a ſlauchter and fellony, and is fugitiue fra the Law, and charge all the Kingis lieges, that na man take on hande to houſe, herbery, receipt, nor helpe the ſaid treſpaſſour be onie maner of way, vnder the paine of tinſell of life and gudes. And that the Kingis dittay be taken hereupon in his Iuſtice aire, and to be puniſhed, as is abone written.

And gif ony Schireffe be foundin culpable herevpon in the execution of his office, the ſaid Schireffe ſalbe puniſhed at the Kingis will, and be remoued fra his office for three zeires. And gif the Schireffe be foundin diligent in the execution of his office, or ony vther perſon, that labouris for the taking of the ſaid treſpaſſoures, ſalbe rewarded and thanked therefore be the King, as effeiris.

36 That the puir tennentes ſall pay na farther, then their termes maill for their Lordis debt, be the briefe of diſtreſſe

ITEM, Till eſchewe the great heirſchip and deſtruction of the Kingis commons, maillers, and inhabitantes of Lordis lands, throw the force of the brief of diſtreſſe, That quhair ony ſummes are obteined be vertue of the ſaide briefe vpon the Lord, awner of the grounde, that the gudes and cattell of the puir men inhabitants of the ground are taken and diſtrenzied for the Lordes debtes, quhair the mailles extendis not to the availe of the debt: It is adviſed and ordained in this preſent Parliament, that fra hyne-furth the puir tennents ſal not be diſtrenzied for the lords debtes, further then his termes mailles extendis to. And gif the ſumme obteined be the briefe of diſtreſſe exceedis the termes maill, the Officer ſall at the inſtance of the partie, that obteinis the debt, gang to ony vther proper guds of the debtour, & pay the remanēt of his debt, if he hes ſa meikill within the ſchire. And gif he hes not ſa meikill lands or gudes within the ſchire, the creditour ſall cum to the King, and bring certification of the ſaid Schireffe, howe meikil he wantes of the ſumme recouered be the brief of diſtreſſe, and may not get his proper gudes within the ſchire. And then the King ſall gif his letters to ony vther ſchireffes, quhair the debtour hes ony vther gudes or mailles within the Realme, and gar them be priſed, and pay the ſaid creditour within fifteene dayes after the forme of Law. And quhair the debtour hes na moveabill guds, but his landes, the Schireffe, before quhom the ſaid ſumme is recouered be the brief of diſtreſſe, ſall gar ſell the land to the availe of the debt, and pay the creditour: ſwa that the inhabitantes of the ſaides landes be not hurt, nor grieued for their Lordis debtes. Neuertheleſſe, it ſall be leifful to the perſon that aucht the lande, firſt to redeeme and quite out the ſamin againe within ſevin zeires, payand to the byer the money that it was ſauld for, and the expenſes maid on the Ouer-lorde for Charter, ſaiſing and infeftment. And the ſaide redemption and lowſing to be maid within ſevin zeires, as ſaid is, or not. And gif the creditour taks the termes maill be vertue of the brief of diſtreſſe, it ſall not be leifful to the Lord to tak it againe. And gif there cannot be foūdin a byer to the ſaids lands, the Schireff of that Schire or ony vther, quhair he hes land, ſal cheeſe of the beſt and worthieſt of the Schire, and leaſt ſuſpect to ony of the parties, to the number of threttene perſons, and appriſe the ſaid landes, and aſſigne to his creditour to the auail of the ſaid ſumme, within ſex moneths after the ſaid ſumme be recouered before the Schireff. And als the Ouer Lord ſall receiue the creditour or ony vther byer, tennent till him, payand to the Ouer-Lord a zeires maill, as the land is ſet for the time. And failzieng thereof, that he take the ſaid land till himſelfe, and vnder-gang the debtes.

37 Of fiſh, Salmond, girſilles, trowtes, and nettes in waters

ITEM, For the multiplication of fiſh, Salmond, Girſilles and trowtes, quhilk ar deſtroyed be cowpes, narrow maſſes, nettes, prynes ſet in rivers, that hes courſe to the Sea, or ſet within the flude marke of the Sea: It is adviſed in this preſent Parliament, that all ſik cowpes and prynes be deſtroyed and put away for three zeires. And quha ſa haldis them vp, ſalbe indited, and puniſhed be the Kingis Iuſtice in his Iuſtice aire, as deſtroyers of redde fiſh, after the tenour of the act of ſlauchter of redde fiſh laſt maid of before. And in likewiſe all millares, that ſlayis Smoltes with creilles, or ony vther maner of way, ſalbe puniſhed be the Kingis Lawes, after the tenour of the ſaid acte, maid vpon the ſlauchter of redde fiſh. And that ilk Schireffe within his Schire ſall deſtroy and caſt downe the ſaid inſtrumentes, cowpes, prynes, & narrow maſſes, nettes, creilles, or ony vther ſik like.

38 The Parliament, Iuſtice aires, nor Charmerlane aires, needis not be continued fra day to daie.

ITEM, It is ſeene ſpeedefull, that the court of Parliament, Iuſtice aire, nor Chalmerlane aire, or ſik like courtes, that hes continuation, needis not to be continued fra day to day, bot that they be of ſik ſtrength, force and effect, as they had bene continued fra day to day, vnto the time that they be diſſolued: The Parliament be the King: the Iuſtice aire be the Iuſtice: The Chalmerlane aire be the Chalmerlane, and vtheris ſik like Courtes. And that nane exception proponed be ony perſones be admitted in the contrarie.

39 That the Kingis Rolles and Regiſter be put in buikes

ITEM, It is thocht expedient, that the Kingis Rolles and Regiſter be put in buikes, and haue ſik ſtrength as the Rolles had of before.

40 That na Deniers *of* France, Cortes *nor* Mailzies *be tane, nor brocht hame.*

ITEM, It is ſtatute and ordained, that there be na *Deniers* of *France*, *Mailzies*, *Cortes*, *Mites*, nor nane vther counterfaictes of black money, be tané in payment in this Realme, bot our Soveraine Lords awin black money, ſtricken and prented be his Cuinzieoures, vnder the paine of death, as ſaid is. And attour in time cumming, that na man take in payment, nor offer in payment ony black money, bot of our Soveraine Lordis awin cuinzie. For quha that they be foundin with, ſalbe debtour for them.

FINIS.

THE

THE SEXT PARLIAMENT OF KING IAMES the Thrid, halden at Edinburgh, the sext daie of Maij, the zeire of God, ane thousand, foure hundreth, seuentie ane zeires

41 *Anent brieues pleidable.*



ITEM, It is ſtatute and ordained, be the Lords, having the haill power of the three Eſtaites committed to them, and the bodie of the Realme and Parliament, that in time to cum, quhair onie brieues pleidable happenis to be followed before quhatſumeuer judge, and there be exceptions, ane or maa proponed, and thereupon borrowes and recounters foundin, and doome given falſed, and againe ſaide be outher of the parties, and thereafter diſcuſſed in the Parliament: Gif it happenis the doome to be diſcuſſed & determined for the partie follower, then ſall the parties baith paſſe againe to the nixt Iuſtice aire, and the ſamin brief and proceſſe maid of before ſalbe redde againe, and the partie follower make his claime, and the partie defendand ſall haue freedome and priviledge to take ane or maa vther exceptiones, dilatoures or peremptoures, as they follow in ordour, nixt after the firſt exceptions proponed, that the doome was falſed vpon of before. Bot it ſall not be leiffull to them to take ony exceptions, that they pretermitted and let paſſe by at that time, bot they ſall paſſe ordourly forward fra exception, how oft that euer the doome be falſed, vnto the time that the brieue be brocht to the recognition of ane aſſiſe, gif it pleaſis the partie to mak perſute theirto. And the ſaid ordour and forme conteined in this acte abone written, to be obſerved and keeped in all pointes in the proceeding of the brieue of mortanceſtry, purchaſſed be *Andrew Biſſet*, againſt the Laird of *Ardros*, and now dependand in the Iuſtice aire of *Cowper*.

42 The man-slayer suld not be relaxed, except he finde caution. Negligent Schireffs.

ITEM, Anent the stanching of slauchter, quhilk is sa common in the cuntrie, baith in Sanctuarie places, and vthers, the Lordes thinkis expedient, that the acte of the last Parliament maid there-vpon be keiped, with this addition, that quhair ony slauchter is committed, and the partie committand the slauchter be put to the horne of partie, & syne thereafter cum, and binde them to the Lawe, the Schireffe sal not receiue him to the Law, nor gif him dilatours of fortie dayes, without he bring with him sufficient burrowes, that he sall compeir peremptourly the said day, to vnderlie the law. And failzieng theirof, that the committer of the said slauchter be put to the Kingis horne, at the saide day peremptour, and al his guds escheit to the King, and his burrowes to pay twentie pound to the King for the vnlaw. And fra hyne furth to be demained be the Schireffes, as is conteined in the actes maid of before in the last Parliament. And to haue knawledge quhat Schireffs hes bene negligent in the execution of the said act maid vpon slauchter sen the last Parliament. And that now there be limited a day to the Schireffes at the empleasance of our Soverane Lorde, quhair the Schireffe sall compeir, and abide his accusation there-vpon. And quha that beis foundin culpable, to be punished after the tenour of the acte of Parliament. And in the meane time that there passe letters of the Kingis in al Schires, to be proclaimed at the head-Burrowes, that quhair ony parties compleinzies vpon slauchter sen the saide time, that they cum to the King the saide day with their plaintes, and the King sall minister them justice without fauoures.

43 That na Clerkes purches benefices, or office of Collectorie at the court of Rome, *the quhilk was not thereat befoir.*

ITEM, As to the Article of the great damnage and skaith daylie done to all the Realme be Clerkes, religious and seculares, quhilks purchassis Abbacies, and vther benefices at the court of *Rome*, quhilks were neuer theirat befoir, and purchassis be meanes office of Collectorie, and takis vpon them to raise heauie and great taxations of Prelates and Clerkes, and makis information of the availe of the benefices in the court of *Rome*, mair nor the vse and custome was of befoir, or that euer was done in ony Kingis tyme by-gane, and to prouide for the making of vnions of benefices perteining to Abbacies, and vther annexed and vnite to Bischopricks, and vthers in heirschip and destruction of religious places, and against the common gude of the Realme: Therefore the Lordes thinkis expedient, that considdering the in-estimable damnage and skaith in the hauing of innumerable riches out of the Realme therthrowe, that sick Abbacies, and vther benefices, purchased be seculare or religious persones, quhilkis were neuer at the courte of *Rome* of before, be of nane availe, but that the saidis places haue free election of

of the ſamin. And that nane of our Soveraine Lordis lieges, Spirituall nor Temporall, take vpon them to be Collectours to the ſege of *Rome*, of na higher nor greater taxation of Biſhopprickes, Abbacies, Priories, Proveſtries, nor vther benefices, that awe taxation, bot as the vſe and cuſtome of auld taxation hes bene of befoir, as is conteined in the Provinciallis buik, or the auld taxation of *Bagimont*. And attour, that there be na vnions nor annexations maid in time to cum to Biſhopprickes, Abbacies nor Priories of ony benefice: nor that na vnions, nor annexations maid now of lait, ſen our Soveraine Lorde tuik the Crowne, be of ſtrength, value nor effect, nor be ſuffered within the Realme, bot that the ſaid benefices, that were vnite, be put againe to their firſt foundation, to the place, that they were at, before the time of the vnion. And the ſaid vnions to be repute of na force, ſtrength nor effect in time cumming. And gif ony perſones of our Soveraine Lordis lieges, Spirituall or Temporall wauld attempt, or hes attempted in the contrair of theſe poyntes abone written, ſalbe demained, as Traytoures to our Soveraine Lord and his Succeſſoures, and never to bruik benefice, nor vſe worſhip within the Realme. Neuertheleſſe, it ſalbe lauchfull to Lordes and Barronnes to purchaſe annexationes and vnions of ony benefice, that they can to purchaſe, outher their awin Patronage or vthers, to be vnite to Seculer Colleges founded, or to be founded

44 The length of ſpeares, and that Zeamen haue targes.

ITEM, It is thought expedient, that na Merchandes bring ſpeares in this Realme out of ony vther cuntry, bot gif they conteine ſex elne of length, and of a clyft: nor that na bower within this cuntrie make na ſpeares, bot gif they conteine the ſamin length. And quha that dois the contrair, that the ſpeares be eſcheited, and the perſones puniſhed at the Kingis will. Item, that ilk zeaman that cannot deale with the bow, that he haue ane gude axe, and ane targe of ledder, to reſiſt the ſchot of *England*, quhilk is na coiſt, bot the value of a hyde. And that ilk Schireffe, Stewart, Baillie, and vthers Officiares, make weapon-ſchawinges within the boundes of their office, after the tenour of the acte of Parliament, ſa that in default of the ſaid weapon-ſchawinge our Soveraine Lords Lieges be not deſtitute of harnes, quhen they haue need. And that the futeball and golfe be abuſed in time cumming, and that the buttes be maid vp, and ſchuting vſed, after the tenour of the acte of Parliamente maid thereupon.

45 That nane weare ſilk within an hundreth pundes woorth of land

ITEM, It is ſtatute and ordained in this preſent Parliament, that conſidering the greate povertie of the Realme, the greate expenſes and coaſt maid vpon the in-bringing of Silk in the Realme: That therefore na man ſall weare ſilkes in time cumming, in doublet, gowne or cloakes,

except Knichtes, Minſtrelles, and Herauldes: without that the wearer of the ſamin may ſpend ane hundreth pundes woorth of land rent, vnder the paine of amerciament to the King of twentie pound, als oft as they ar foundin wearand ſilkes, and eſcheitting of the ſamin, to be given to the Herauldes and Minſtrelles, except the claithes that ar maid before this Parliament. And that the Schireffe of ilk Schire, Alderman, and Baillies of Burrowes, take inquiſition thereof, and ſend it to the King. And that mennis wiues within ane hundreth poundes, weare na ſilkes in lyning, bot allanerly in coller and ſleeues, vnder the ſamin paine.

46 *Anent the money, and crying downe of the allayed groate to ſex pennies.*

ITEM, As tuitching the mater of the money, ſen the mater is greate and tuitchis the hail bodie of the Realme in great neareneſſe, and that the Lordes here preſent cannot haſtely be adviſed to take a finall determination thereof: It is ſtatute and ordaned, that the money haue courſe as it dois now, vnto the continuation of this Parliament. And the Lords that ſall haue power in all vther maters for the commoun gude of the Realme, at that time to adviſe, determine and conclude vpon the ſaide mater of the money, that now runnis. And in likewiſe, gif it be ſeene ſpeedefull to make innovation of ony new money, outher gold, or ſilver, the ſaidis Lordes ſall haue power to adviſe and conclude thereupon. And as anentis the new allayed groate of ſeuen pennies: It is ordained be our Soveraine Lord, that fra thine foorth it haue courſe for ſex pennies, and the halfe groate of the ſamin for three pennies. And the cuinzie and courſe thereof to be continued, quhill the continuation of the nixt Parliament.

47 *Wilfull and ignorant errour of Aſſiſores.*

ITEM, For the eſchewing of man-ſwearing of falſe aſſiſe and inqueſts in greate hurting of our Soveraine Lordis Lieges, and ſpecially be inqueſtes in heritages: It is ſtatute and ordained, that in time cumming, quhair a partie findis him grieved be ony aſſiſe or inqueſtes be partiall malice or ignorance of the aſſiſe or inqueſtes, ſaifand and exceptand the aſsiſe of brieues pledabill, quhilk this ſtatute ſall not extend vpon: It ſal be leiffull to the partie grieved to cum to our Soveraine Lorde and his councell, and take a ſummoundes of the ſaid inqueſt, to compeir before them at certaine daie and place peremptourly, and there produce his evidentes of the ignorance or falſed of the ſaid inqueſt. And gif it happenis him to prooue the ſaid falſed, the partie grieued ſalbe reduced to the condition, that it was in of before, or the ſaid inqueſt or aſſiſe proceeded, and the determination of the ſaid aſsiſe or inqueſt to be of nane availe, and the ſaidis perſones of the aſsiſe or inqueſtes, to be puniſhed after the forme of the Kingis Lawes, in the firſt buik of his Majeſtie,

Contra

Contra temerè iurantes ſuper aſsiſam. And gif the partie compleinzieand be foundin in the wrang, he ſal pay ane vnlaw of ten pound to the King, and make all the expenſes of the partie that is ſummound.

48 That Lordes, Barronnes, and Burrowes gar make Schippes, Buſches, and greate Pinck-boates with nettes.

ITEM, The Lordes thinkis expedient for the commoun gude of the Realme, and the great entres of riches, to be brocht within the realme of vther cuntries, that certaine Lordes Spirituall and Temporall, and Burrowes gar make greate Schippes, Buſches, and vther great Pinck-boates, with nettes, and all abuilzementes ganand therefore for fiſhing. And the execution of this mater and the forme, and the number of the ſamin be had, at the continuation of this Parliament.

49 The partie that tynis his action, ſalbe in an vnlaw of fourtie ſhillinges

ITEM, It is ſtatute and ordained, that quhair ony partie followis ony action before the Lordes of Councell in time to-cum, the partie that beis founden in the wrang, and the ſentence is given againſt, ſal pay ane vnlaw of fourtie ſhillinges to the Lordes, to be diſponed be the Chancellar, and the expenſes of the partie that winnis the cauſe, be the modification of the Lordes.

FINIS.

THE SEVENTH PARLIAMENT OF KING IAMES

the Thrid, halden at Edinburgh, the ninth daie of Maij, the zeire of God, ane thouſand, foure hundreth, ſeuentie foure zeires

50 Of money and bulzieon.

ITEM, Anent the mater of money and in-bringing of bulzieon: It is ſtatute and ordaned, that the actes & ſtatutes maid of before, anent the in-bringing of bulzieon ſalbe obſerved and keiped: That is to ſay of ilk Serplaith twa ounce of burnt ſilver, and of vther gudes effeirand thereto: Of the laſt of hides, foure ounce, and of the laſt of Salmond, twa ounce and of claith and vther gudes, with this addition: That the Cuſtomers ſal, or they giue the cockquet to ony ſchip, take ſovertie & Borrowes of ilka merchand, for the hame-bringing of bulzieon, as ſaid is: And ſall zeirly make compt thereof in the Checker. And gif the cuſtomers failzies in the taking of the ſaide ſovertie, they to be puniſhed therefore, and deprived of their Office for ever: And quhat merchand that failzies herein, to pay ten pounde to the King: And becauſe the mater of money is richt ſubtile and greate, and may not richt haſtely be ſet: It is thoucht ſpeedefull, that the three Eſtaites commit their power to certaine wiſe diſcreet perſones, to the number of ten, or twelue, to adviſe, and ſet the courſe of the money, and to deviſe newe money, as they thinke maiſt expedient.

51 Of ane Tutour and his age.

ITEM, It is ſtatute and ordained anent the brieſe of Tutorie, that it be vnderſtanding in time cumming, that he that is neareſt Agnat, and of twentie fiue zeires of age, fulfilling the laue of the poyntes of the brieſe, ſalbe lauchfull tutour, ſuppoſe the childe that happenis to be in tutorie, haue ane zounger brother or ſiſter, Notwithſtanding that the agnat is not immediat to ſuccede to the childe, becauſe of zounger Brother and ſiſters.

52 Probation of arreiſtmentes.

ITEM, It is ſtatute and ordained, anent the prieving of arreiſtmentes be Crowners or Serjandes, on the North halfe of the water of *Forth*, that hes bene vſed of before, to be prieved be tuitching of wandes: It is ſtatute and ordaned, that in time to cum, al prieves ſalbe maid be Crowners and Serjandes, be witneſſe and perſones, like as is vſed and done on the South halfe of *Forth*.

53 Anent airſhip of moveable gudes of Barronnes.

ITEM, Anent the airſhip of moveable guds, that the aires of Barrones, Gentle-men, and Free-halders ſall haue: It is ſtatute and ordained, that the ſaidis aires ſall haue the beſt of ilk a thing, and after the ſtatute of the Burrow Lawes, and as is conteined in the ſamin.

54 Preſcription of Obligations.

ITEM, Anentis the acte maid of before of preſcription of Obligationes: It is ordained to be vnderſtandin in this wiſe, that all auld Obligations maid of before, that is elder then the dait of fourtie zeires, not dependand in the Law, in the time of the making of the ſaid actes, ſalbe preſcribed, and of na ſtrength: and in likewiſe in time to cum, all Obligationes maid, or to be maid, that beis not followed within fourtie zeires, ſall preſcriue, and be of nane availe.

55 The Retour ſuld conteine the auld and new extent.

ITEM, Anent the brieues of inqueſt to be ſerved in time to cum: It is ſtatute and ordained, that it be anſwered in the retour, quhat the land was of availe of the auld, and the very availe that it was woorth, and gives the day of the ſerving of the ſaid brieue

56 That foure of the auld Councell be choſen to the new.

ITEM, It is ſtatute and ordained in Burrowes, notwithſtanding the Actes maid of before, that there ſalbe of the auld Councell of the zeir before, foure worthy perſones choſen zeirly to the new Councell, at their entrie to ſit with them, for that zeir, and haue power with them to doe Iuſtice.

57 The

57 The Ouer-lord not entrand to the ſuperioritie, tinis the ſamin, and ſatiſfies the partie.

ITEM, It is ſtatute and ordained anent Ouer-lords, that in defraud and ſkaith of their vaſſalles and tennentes, differris to enter to their landes & ſuperiorities, that in time to cum, the ſaids ouer-lords ſal enter to their lands & ſuperiorities, & do their diligẽce thereto, but fraud or gile with in fourtie daies, after that they be required be their vaſſalles or tennents. The quhilk gif they do not, the ſaidis vaſſalles or tennentes incontinent thereafter to be entred be the King or the Ouer-lord, that the ſuperiorities ar halden of, and hald of him, and the other Ouer-lorde, that fraudfully differris his entrie, to tyne the tennent for his life-time, and aſſith the partie of his coaſtes and ſkaithes, that ſalbe ſuſteined throw him, in default of his entrie.

58 That perſones arreiſted to the Iuſtice aire, enter within barre.

ITEM, Becauſe in times by-gane, there was halden an vſe and conſuetude, that perſones indyted to the Iuſtice aire, wauld cum in preſence of the Iuſtice in the Tolbuith, and hald them out-with the Barre, and wauld not enter, for the payment of ane little vnlaw, quhilk is great deriſion and ſcorne of Iuſtice, and lichtlying of the Kingis Hieneſſe: It is therefore ſtatute and ordained, that in time cumming all perſones arreiſted, that may be apprehended the time of the Aire in the Tolbuith, or the Towne, quhair the Iuſtice is, ſalbe taken and delivered to the Iuſtice, to be juſtified for his crime and his treſpaſſe: Swa that the arreiſtment be maid of before the time of the beginning of the aire and ſeate of Iuſtice.

59 The vnlaw of ſtealing of haulkes, houndes, pertrickes and Dukes.

ITEM, Anent the eſchewing of greate trouble, diſcord, and divers inconvenientes that may cum, anente the ſtealing of Haulkes and Houndes: It is ſtatute and ordained, that in time cumming, na maner of perſons take ane vther mans hounds, nor haulkes, maid or wilde, out of neſtes, nor egges out of neſtes, within ane vther mannis ground, but licence of the Lord, vnder the paine of ten poundes. And in likewiſe that na egges be tane out of the Pertrickes, nor wilde-duik-neſtes, vnder the paine of fourtie ſhillinges. And this to be a poynt of dittay in time to cum.

60 Of Daes and Raes, hunting of Deares, and taking of Cunninges

ITEM, That na man ſlaie Daes nor Raes, nor Deare in time of ſtorme, or ſnaw, or ſlaie onie of their Kiddes, quhill they be ane zeir auld, vnder the paine of x. punds: And it to be a point of dittay. And in likewiſe that

that na man hunte,ſchutte,nor ſlaie Deare nor Raes in vtheris cloſes or Parkes,or take out Cunnings out of vthers Cunningaires,or ony foules of vtheris Dowcattes, or fiſh out of vtheris puiles or ſtanckes, but ſpeciall licence of the awners, vnder the paine of dittay, and to be puniſhed as thieft.

61 *That Ferriers make brigges: and of fraucht.*

ITEM, It is ſtatute and ordained, that in time to-cum, the Ferriers of *Kinghorne*,ſall tak of fraucht bot twa pennies of the man or woman,& the burden,and of a horſe ſex pennies. And quhat perſones that bringis horſe or beaſtes, ſall make the perſones and the burdens free, ſa that the horſe burden and the perſon, that ſalbe, pay ſex pennies. And in likewiſe vther beaſtes ſall make the perſones free of fraucht. And at the *Queenes-Ferry* ſalbe taken bot ane penny of the man, alſwa the horſe twa pennies, and all in forme and maner abone written. And at the *Portin-craige* ane penny for the man, and the horſe ane penny. And quhat Ferriers, that dois in the contrarie,ſall pay fourty ſhillinges to the King,and his perſon priſoned,at the will of the King.

And that the Ferriers make brigges to their boates, after the forme of the acts maid of before,vnder the paine conteined in the ſamin.

FINIS.

THE

THE AVCHT PARLIAMENT OF KING JAMES the Thrid, halden at Edinburgh, the xx. day November, the zeir of God, ane thousand, foure hundreth, seventie fiue zeires.

62 That all complaintes first persewe to their Iudge Ordinare.

ITEM As anent the administration of Iustice in ciuill actions and complaintes throw all the Realme, it is statute and ordained, that al parties compleinzieand, sal first passe to their Iudge Ordinare, & persewe Iustice. And that the Ordinares sall minister them Iustice without partiall meanes or sleuth. And gif the Iudge failzies in his office and administration of Iustice, the partie sall cum and plenzie to the King & his Councel vpon the judge and in likewise on the partie. And in that case they sall haue summounds, baith on the judge and on the partie, to compeir before the King & his Councel, and there haue Iustice & reformation, after the tenour of the act of Parliament maid of before the twentie day of November, the zeire of God, ane thousand, foure hundreth, threescoir nyne zeires.

63 Anent false assisors in criminall causes. Of ane great assise.

ITEM As tuitching the reformation of false assise, passand vpon criminall actions before our Souerane Lordis Iustice, Schireffes, or vther Officers: It is statute and ordained, conforme to the Kings Lawes, *De pœna temerè iurantium super assisam.* That quhair indited persons are schawin before the assise, in the accusation of a trespassour, notour, or manifest knawledge beand of the trespassour, & it happin the persons that passis on the assise, wilfully be fauours or partiall meanes, to acquite the trespassour, or trespassoures, in that case it sall be leiffull to the King and his Councell to call the assise, & inquire at them, gif they concord

all

all in a voyce, or how mony ſaid al in a voyce, and how mony ſaid ane vther way. And they that ar ſuſpect *De temerario iuramento*, ſalbe accuſed before the King & his Iuſtice, quhat day & place, that it pleaſis his hieneſſe. And gif thay perſones pleaſis to graunt their fault and *temerarium periurium*, to be puniſhed therefore, after the forme of the aulde lawe. And gif they deny or makis excuſation thereof be ignorance, the King or his Councell ſall giue them ane great aſſiſe of xxv. Noble perſones, and ſchaw to that aſſiſe the evidents or notour knawledge of the treſpaſſe, in ſa far as was ſchawen to the firſt aſſiſe. And thereafter gif it beis foundin that the firſt aſſiſe acquit the treſpaſſours be temeraritie, or wilfully be favoures or partialitie: Sa mony as beis convict of that cryme, to be puniſhed after the forme of the auld lawes, conteined in the buik of *Regiam Maieſtatem*. Nevertheleſſe the perſones that happenis to be accuſed of the treſpaſſe, outher to be convict, or maid quite, after the forme of the firſt deliverance, and the falſe aſſiſe to be puniſhed, as ſaid is.

64 Anent the in-bringing of bulzieon.

ITEM, As anent the money, becauſe the Lordes vnderſtandis, that the pretermitting and ſleuth that hes bene in the execution of the actes maid for the in-bringing of bulzieon in the Realme, and als the ſearching and keiping of the money fra paſſing furth of the realme, hes cauſed the great ſcantneſſe of it, that is now of the money throw all the Land: That therefore our Soveraine Lord, ſall zit cauſe the actes and ſtatutes maid of before, baith in the in-bringing of bulzieon, and keiping of the money, be ſcharpely put to execution. And that the breakers thereof be puniſhed, after the forme of the actes maid thereupon of before. And that the King now depute true and abill perſones to be ſearchoures in time to cum, that will and may do diligence for the halding in of the money, as is ſtatute of before. And that the merchandes ſall haue for ilk ounce of brunt ſilver, that he bringis hame to the cuinziers, twelue ſhillinges, and the cuinziour of that burnt ſilver, to make twelue groates of the ounce of the ſamin prent, that the new groate is now. And of the new finance of the new *Engliſh* groate. And that there be ane penny and ane halfe-penny of ſilver maid of the ſamin finance, according to the new groate, and that penny to haue courſe for three pennies.

65 That nouther ſilver nor gold be put to the fyre.

ITEM, Becauſe it is weill knawen, that all cuinzied money, baith ſiluer & gold put to the fire to be maid bulzieon to vther new money, is miniſhed, waſted, & deſtroyed in the tranſlation be the fyre, incurris great ſkaith in hurt of the King and all his Lieges, and ſuld not be ſuffered in time to cum: It is therefore ſtatute and ordained, that fra hine foorth, nouther ſilver nor gold that bearis prent and forme of cuinzie, that it be in ony wiſe molten or put to the fire be the Kingis cuinzioures, or be Gold ſmithes to ony warke, without ſpeciall licence or charge of the king: bot al gold & ſilver that is cuinzied & hes prent, be obſerved & halden haill to pas amangſt the kings lieges, as he ordaned it to haue cours.

66 Anent the brieue of Idiotrie and furioſitie.

ITEM, It is ſtatute & ordaned, that ſen there is a brieue of our Soverain Lordis Chapell maid and ordained for the ſafetie of alienation of Lordes and Barronnes landes, throw idiotes and naturall fules, furious and wood-men the time of their folly, the quhilkis brieues ſavis not the alienation, bot allanerly fra the time of the ſerving of the ſaidis brieues, and remeids it not, that is done of before, in-caſe it be done in the time of the folly or furioſitie, albeit he be als great a fule and furious before, as after: It is ſtatute and ordained therefore in time to cum, the ſaid brieue be reformed, & an clauſe put theirin, to inquire of the foly & furioſitie, and how lang time he was of thay conditions. And fra it be knawin be the inqueſt, that the perſones be fules or furious, the time thereof, the alienation maid be him, after the time that the inqueſt findis that he was outher fule or furious, ſalbe of nane availe, bot retreated, and brocht againe till him, alſweil as the alienation maid after the ſeruing of the ſaid brieue.

67 That the money and gold be cryed vp higher.

ITEM, It is ſtatute and ordained, for the great ſcantnes and want of gold that is within the realme, throw having out of the ſamin, becauſe it ſtandis heir in a lawer price, then it dois in vther cuntries: It is ſtatute and ordaned, that the gold haue courſe in time to cum in this wiſe. That is to ſay, the *Roſe* noble to xxxv. ſhillings. The *Henry* Noble to xxxj. ſhillings. The *Angell* to xxiij. ſhillinges. The *French* Crowne to xiij. ſhillings iiij. pennies. The *Demy* to xiij. ſhillinges, iiij. pennies. The *Scottis* crowne to xiij. ſhillinges. The *Salute* to xv. ſhillinges, ſex pennies. The *Lew* to xvij. ſhillinges ſex pennies. The *Rydar* to fifteene ſhillinges ſex pennies. And all vther gold to paſſe after the fines and weicht, and at the pleaſance of the giver and the taker. And that all ſilver money haue courſe ſik-like in time to cum, as it hes this day.

68 Of the payment of the debtour and the creditour.

ITEM, To remoue diſcord amangſt the Kingis Lieges, betuixt the creditoures & the debtours, that are awand ſumms: It is ſtatute and ordaned, that notwithſtanding the varience of the courſe of the commoun gold and ſilver, quhat courſe that euer it haue, the debtour ſall pay his creditour the debt of the money, that ſuld haue ben paied at the termes, before the making of this act, with ſik money, and of the ſamin price, as the money had courſe before this proclamation and Parliament.

69 That na courte of Guerra *be halden.*

ITEM, Becauſe there hes bene abuſion of Law in times by-gane be the Schireffes, ſtewartes, Baillies and officiares, in the halding of courts of *Guerra*, to the great heirſhip and skaith of our Soveraine Lords lieges, and of his awin hieneſſe in his awin Iuſtice aires, quhilks ar ſpilt be the ſaid *Guerra* courts: It is ſtatute and ordained, that in time to cum, there be na courtes of *Guerra* halden, be na maner of perſons, vnder the paine of punition, as for a man-ſlayer and rieuer of his gudes, and vſurper vpon the Kingis lieges and his authoritie.

FINIS.

THE NINTH PARLIA-MENT OF KING IAMES the Thrid, halden at Edinburgh, the fourth daie of *Iulij*, the zeire of God, *ane thousand, foure hundreth*, seuentie sex zeires.

70 *Of our Soveraine Lordis Revocation.*

IN The first of all alienations, infeftmentes and gifts given and granted be him to quhatsumeuer persones that be hurt or prejudiciall till his aires, or to his Crowne, of quhatsumeuer heritage perteining to his Hienes, in ony time to this day, and in speciall of gifts of landes, mailles, fishinges, patronages of Kirkes, giving of waird landes in blench-ferme, setting of landes, making of Regalities, and tailzies maid in his tender age, fra the righteous aires: Alswa all giftes given be his Hienesse of keiping of Castelles for langer times, then in-during his will, and in speciall of the Castelles that ar the keyes of the Realme, and generally all maner of alienations, as said is, or may be prejudiciall til his aires, and Crowne in ony wise, or that is against ony gud conscience.

71 *The annexation of the Erledome of* Rosse.

ITEM, Our Soveraine Lord, with consent of his three Estaites of his Realme, annexis till his Crowne the Erledome of *Rosse*, with the pertinents, to remaine thereat for euer: Swa that it sall not be leiffull to his hienesse or his aires, nor his Successoures to make alienation of the saide Erledome, or ony part therof, fra his Crowne in ony wise: Saifand that it salbe leiffull to him and them, to giue the said Erledome at their pleasance till ane of his, or their secunde Sonnes, lauchfully to be gotten betuixt him and the Queene.

FINIS.

THE TENTH PARLIAMENT OF KING IAMES THE Thrid, halden at Edinburgh, the vj. of Auguſt, the zeir of God, ane thouſand four hundreth, ſeuentie ſeuen zeires.

72 In-bringers of victualles.

ITEM, Becauſe victualles ar richt ſcant within the cuntry, the maiſt ſupportation that this realm hes, is be ſtrangers of divers vther nations, that brings victtual: & becauſe of divers new impoſitiõs & arreiſtments, that hes bene put vpon them at their cumming & entres, they may not haue libertie & freedome to diſpone vpon their awin guds, the quhilk cauſis divers of them to forbeare to cum in this realme, to the great & heavy skaith of all the Kingis lieges in all eſtaites: It is ſtatute & ordaned, that all ſtrangers & merchands cummand in the realme with victualls & vther leifful merchandice be honourably received, & fauourably treated: & fra they haue entred their guds in the Tolbuith, as vſe and cuſtome is, that our Soveraine Lord be ſerved firſt of the beſt, & ſine the Lordes of his councel, after the price, that ſalbe maid with the merchands, & the remanent to be ſauld amangſt the Kings lieges. And that na trouble nor arreiſt be put vpon merchandes, ſtrangers, nor their gudes, bot that they haue libertie to vſe and do their leiffull merchandice, as vſe and cuſtome hes bene in times by-gane.

73 Anent Cruves.

ITEM, It is ſtatute & ordaned, that the acte maid of before, be K. *Iames* the Firſt, anent cruves ſet in waters, be obſerved & keiped. The quhilk beiris in effect, that all cruves ſet in waters, quhair the Sea fillis & ebbis, deſtroyis the Frye of all fiſches, be put away & deſtroyed for ever mair: notwithſtanding ony fredome or privilege given in the contrair, vnder the pain of fiue pund of ilk cruve: And that they that hes cruves in freſh waters, that they gar keip the lawes anent *Satterdaies* ſlop, & ſuffer them not to ſtand in for-bidden time, vnder the ſamin paine. And that ilk heck of the ſaid cruves be three inch wide, as the auld ſtatute requiris, maid be king *David*, & that the mid ſtreme be left free be the ſpace of ſex fute. And that it ſalbe a poynt of dittay, baith of them that dois the cõtrair, or garris be done: & quha that beis convict thereof, to pay 5. pund, as ſaid is.

74 Anent

74 *Anent Ferriers that raiſis fraucht.*

ITEM, Anent Ferriers that raiſis fraucht vpon the Kingis lieges, and their gudes, mair then is ordained and ſtatute of before be the Parliament, to be given and tane for the man and the horſe and his burden: It is ſtatute and ordained that in time to cum, that na Ferriers take mair fraucht of man, horſe or gudes, bot ſa meikle as is ſtatute and ordained be the Parliament of before to be tane, vnder the paine of fiue pounde to be payed to our Soveraine Lord, and amendis to the partie, ſa oft as they treſpaſſe. And this to be a poynt of dittay in time to cum.

75 *The vnlaw of Mure-burne.*

ITEM, Anent mure-burne, that is plainly now done in al Moneths, contrair the actes and ſtatutes maid of before, for the punition and ſtanching thereof: It is now ſtatute and ordained, that the vn-law of mure-burne ſalbe in time to cum fiue pound, of them that beis convict before the juſtice in the juſtice air. And that na mure-burne be maid fra the laſt day of *March*, quhill *Michael-mes* day, vnder the paine foreſaid.

76 *Of the bind of Salmond.*

ITEM, Becauſe it is heauely murmured, and the Realme greatly ſlandered be ſtrangers, and vthers that byis Salmond, of the miniſhing of the veſchell and barrelles, that the Salmond is packed in: It is ſtatute and ordained, that in time to cum all Salmond be packed in barrelles, of the meaſure of *Hamburgh*, after the auld aſsiſe, and na ſmaller barrelles nor veſchelles. And that na Coupper within the Realme make ſmaller barrelles to pack fiſh in, then the ſaide meaſure of *Hamburgh*, and the auld aſsiſe. And gif ony dois the contrarie hereof in time to-cum; The firſt ſeller that ſellis the fiſh of falſe packinges in ſik ſmall barrelles, ſall tine the fiſh, and to be our Soveraine Lordis eſcheit, and the Coupper that maid the barrelles, ſall pay fiue pound to the King. And that the Kingis Cuſtomers ſalbe ſearchoures here-upon in ilk Towne. And als it ſalbe a poynt of dittay.

77 *Of beggers and Sornares.*

ITEM, For the ſtanching of maiſterfull-beggers and ſornares, that dailie oppreſſis and herryis the Kings Lieges: It is ſtatute and ordained, that the auld ſtatute maid of before in our Soveraine Lordis time, King IAMES the Firſt, be put to ſharp execution, but favoures: That is to ſay, quhair euer ony commoun ſornares beis ouer-tane in time to-cum, that they be arreiſted and delivered to the Kingis Schireffes. And that they be foorth-with brocht to the Kingis juſtice, to do and execute the law on them, as on a commoun thiefe and riever. And that dittay be tane thereof zeirly, and puniſhed, as ſaid is, in the juſtice aire.

78 Of ſchoing of horſe in the quick be ſmiths.

ITEM, Becauſe ignorant Smithes throw ignorance or drunkenneſſe ſpillis and cruickis mennis Horſe, ſchoing in the quick: It is ſtatute and ordained, that quhen evera Smith ſchois a mannis Horſe in the quick, that Smith ſall make and pay the coaſt of the horſe, quhill he be haill, and in the meane time finde the man ane Horſe to ryde vpon, and do his labour, quhill the ſaid horſe be hail. And gif the ſaid horſe cruikis throw the ſaid ſchoing, and wil not haill, the ſmith ſal hald the ſaid horſe him ſelfe, and pay the price of the horſe to the man that awe him.

79 Quhat perſones hes power to hald courtes of Purpriſion.

23 March. 1481. ANent the halding of the Court of Purpriſion vpon the landes of *Rach-burne*, be *Elizabeth Niſbet*, *Alexander Chirnſide*, and *Patrick Home* their Baillie on the ane part, Againſt *Iennet Home*, the ſpouſe of *Iames Dowglas* on the vther part: For the alleaged wranges, calling of the ſaid *Iennet* to the ſaid court, continued to the Parliament. The Lords Auditoures choſen be the three Eſtaites, all in ane voyce, declaris and ſtatutis: That na vaſſall nor ſub-vaſſall, nor vther tennent vnder the Barron, hes power or juriſdiction to hald ane court, or know on the queſtion of Purpriſion, and therfore decernis and deliveris that the ſaid court of Purpriſion, halden be the ſaids *Elizabeth*, *Alexander* and *Patrick*, is of nane availe, force, ſtrength nor effect.

FINIS.

THE ELLEVENTH PARLIAment of King Iames the Thrid, halden at Edinburgh, the ſecond day of *Aprill*, the zeir of God, ane thouſand foure hundreth, four ſcore ane zeires.

80 Of ſpeares and their length and Iackes.

ITEM, It is ſtatute and ordained, that there be na ſpeares in time to cum maid nor ſauld, that is ſchorter then fiue elne and a halfe, or elſe at the leaſt fiue elnes before the Burre, and of greatneſſe according thereto: vnder the paine of eſcheitting of all his gudes, that makis or ſellis them.

ITEM, It is ordained, that all perſones that ſall weare jackes for the defenſe of their bodie, that they garre make them ſide to the knee, they that wantis leg harnes, and they that hes leg-harnes, that their Iackes be maid

maid ſa lang, as to cover the over part of their legge-harnes. And that everie Axe-man, that hes nouther ſpeare nor bow, ſall haue ane Targe of Tree or Ledder, after the faſhion of the exemple, that ſalbe ſende to ilk Schireffe.

81 Of perſones cummand to the hoiſte.

ITEM, It is ſtatute and ordained, that na perſons cummand to OVR SOVERAINE LORDIS Hoiſte, waiſt or deſtroy medow nor cornes, nor ſpuilzie ony maner of guds in their cumming, or ganging within the Realme of *Scotland*, vnder the paine of punition of their perſones, as breakers of OVR SOVERAINE LORDIS Proclamation of his hoiſte, and refounding of the skaith that they do: And that ilk Lord and Barronne, ſalbe reſponſable for the perſones, that ar vnder their leading, and deliver the perſones that dois skaith to the King or his Lieu-tennentes or Wardens, or elſe refound and paye the skaith that is done them ſelfe.

82 Furniſhing of Caſtelles.

ITEM, Our Soveraine Lord hes ordained to gar pur-way and ſtuffe his Caſtelles of *Dumbar* and *Loch-maban* with victualles and artailzierie, and quhair they ar failzied in ony part, to gar them be haiſtelie reparrelled and fortified. And als his hieneſſe commandis and chargis all the Lordes of his Realme, baith Spiritual and Temporal, that hes Caſtelles neire the *Bordoures* and on the Sea coaſte, ſik as *Saint-Andrewes*, *Aberdene*, *Temptallon*, *Hume*, *Dowglas*, *Halis*, *Adring-towne*, and ſpecially the *Hermitage*, that is in maiſt danger, and ſik vther Caſtelles and ſtrengthes, that may be keiped and defended fra our enemies of *England*: That ilk Lord ſtuffe his awin houſe, and ſtrength them with victualles, men and artailzierie, and to amend and reparrell them quhair it miſters, ſa that they be keiped and defended, as ſaid is.

83 Ane woman coniunct fear makand faith that ſcho ſal never cum againſt the Alienation theireof, ſal nocht be hearde afterwardes to impugne the ſaid Alienation.

MEmorandum, The ſext day of *March*, the zeir of God, 1481. zeires, *Robert Danielſtoun* was perſewed be a woman called *Glen*, before the Lordes of Councell, and ſcho wald haue cummin againſt her aith, that ſcho maid in judgement before the Officiall of *Glaſgow*, and there was ſchawin ane Inſtrument vnder the ſeale of the ſaid Officiall, that ſcho conſented to the alienation of ſik landes, and ſwore that ſcho ſuld neuer cum in the contrair hereof, and wauld haue the ſaidis landes, alleageand that it was her conjunct-feftment, and maid revocation after her husbandis deceaſe, ſayand that he compelled her thereto. The action was delivered againſt this woman.

84 That our Soveraine Lord preſent to benefices, al times, the ſege vacand.

ITEM, It is ſtatute and ordained be the King and his three Eſtaites, anent the privilege of the Crowne, vſed and obſerved in all times bygane, anent the preſentation of benefices, in the time of the vacation of the ſeges of Biſchoppes, that our Soveraine Lord and his Succeſſours ſall in time to-cum, the time of the vacation of the ſege, haue power to preſent to benefices all times, quhill the Prelate and Biſchop make his Bulles of proviſion be ſchawin to the Kingis Hieneſſe, and his Chaptour. And in caſe that our Soveraine Lord of his ſpeciall Grace and favoures admit ony Prelat to his Temporalitie, before the ſchawing of his Bulles, as ſaid is: That ſik admiſſion ſalbe na prejudice nor skaith to his Hieneſſe, anent the ſaid priviledge and richt of preſentation.

85 Contrarie the purchaſers of benefices againſt the Kingis privilege.

ITEM, It is ſtatute and ordained, that the acte of Parliament maid of before for puniſhing of the perſones, that labouris and dois onie thing contrary to the ſaid priviledge, ſalbe extended alſweil vpon them, that takis Offices of procuration on them, or ſupportis, or ſupplies thay perſones with money & finance, to be puniſhed as the principall doers. And attour, gif ony perſon or perſones in time to-cum raiſis or purchaſis ony commiſſion of the ſege of *Rome*, to be provided of ony benefice, that beis foundin vacand, the ſege of the Biſhoppe vacand for the time: The perſones that raiſis purchaſes, or vſis ony ſik Commiſſiones, ſalbe repute and halden as breakers and violatoures of our Soveraine Lordis privileges, and trangreſſoures againſt the Act of Parliament, and incur the paine conteined in the ſamin.

FINIS.

THE

THE TVVELFTH PARLIAMENT OF KING IAMES the Thrid, halden at Edinburgh, the xj. of December, the zeir of God, ane thousand, foure hundreth, auchtie twa zeires: And of his Reigne, the twentie three zeir.

86 Continuation of Warden Courtes.

IT Is ſtatute and ordaned, that in al time cumming, the Warden courts be of continuation: That is to ſay, That the Wardens ſal haue power to hald their courts, and end them the firſt day, or continue them as pleaſis them, for three dayes, or within.

87 Of breakers of the Kingis or Wardens ſaiſe-conduct.

IT Is ſtatute and ordained that in time to cum, for the honour of our Soveraine Lord, that nane of his Lieges breake his ſaiſe-conduct: Nor his Wardens, within the boundes of their Offices, vnder the paine of death.

88 Of bringers hame, and ſellers of corrupt wine.

IT Is ſtatute, that nane of our Soveraine Lordis Lieges in time to cum, bring corrupt or mixt wine within the Realme: And gif ony ſik happenis to be ſend hame, that na man ſell nor bye it, fra it be declared be the bailliesand guſters of wine, that it is mixt or corrupt, bot ſend it a gaine furth of the Realme, vnder the paine of death: And that na perſon within this Realme, take vpon hand in time to cum, to mixt wine or beere, vnder the paine of death, as ſaid is.

FINIS.

THE

THE XIII. PARLIAMENT OF KING JAMES the Thrid, halden at Edinburgh, the xxiiij.

of *Februar*, the zeir of God, ane thousand, foure hundreth, auchtie three zeires.

89 Of weapon-schawinges, and reddines in weir.



IT Is advised and thocht expedient be the three Estaits of the Parliament, that our Soverain Lordis Patent Letters, vnder his Privie seale be written to all Schireffes, Baillies and Officiars within his Realme, chargeing them be open Proclamation, and vther-waies, they warne his Lieges, within the boundes of their offices, that they weil abuilzied for weir, be reddie vpon aucht daies warning to cum to the King or his Lieu-tennents, quhair they salbe charged, for the defense of the Realme, and resisting of the enemies of *England*, furnished with victuall and expenses, for the space of twentie daies, after their cumming to the said place and terme assigned to them. And that the said Schireffe proclaime and hald weapon-schawinges within the boundes of their Office, to see that our Soveraine Lordis lieges be bodin for weir, after the forme of the acte of Parliament, and to punish them that ar absent, and not weill abuilzied, after forme of the said act of Parliament. And the said weapon-schawing to be halden, als oft as is conteined in the acte of Parliament maid thereupon. And the said Schireffe and Baillies to warne the King, the day of the weapon-schawinges, that he may sende a speciall servand of his awin to see, that his lieges be weil bodin, and that the said Schireffes do their office, as effeiris therein. And quhat Schireffes or Officiares beis foundin negligent or sleuthfull in the execution of their offices; to be punished

punished after the forme of the said Acte. And that the Schireffe put in Roll and bill, how mony speares, bowes, and axes, and fensible persones he findis within the said Schire, and bring the names of them to the assemblie of the Kingis hoist, vnder his seale, and vther foure seales of the Barronnes, that beis in the Schire. And that the Baillies of the Regalities and Barronnies, vse and exerce their privilege in the halding of weapon-schawinges within them selfe, after the forme of the said act of Parliament maid thereupon.

91 Deteiners of the Kingis rentes suld be punished.

ITEM, As touching the Kingis mailles, rentes and fermes that ar halden fra his hienesse, vpon the quhilk his estait and houshalde suld be susteined: The Lordes thinkis expedient, that the Kings Maister of houshald and Comptroller, advise and see quhair his rentes and fermes ar with-halden, and obeyis not the Kingis charges. And that the Maister of houshald and vther Lordes of Councell, passe and distreinzie the officiares in thay partes, to bring their persones to the King that disobeyis his authoritie, and with-haldis his rentes.

92 Of making of peace amangst the Kingis lieges.

ITEM, Anent the division, debaites & discordes that standis amang our Soveraine Lordis lieges, Barronnes and vtheris, quhilk is dangerous to be vnstanched baith of breakers of the realme, & that they suld gang in vnitie and concord, to the resisting of our Soveraine Lordis enemies of *England*: It is thocht expedient be the saids Lords, to counsel our Soveraine Lord to make be called before him and his Conncell the greate Lordes, and put them in friendship and concord, or they depart fra his presence. And to command his justice and Lordes, that passis to his justice aires, that they call before them vther smaller persones to make vnitie & concorde amang them: Sa that our Soveraine Lordis lieges stand in peace amang them, & be obedient to our Soveraine Lords authority.

93 Of the money: The Wardens office: of Bulzieon

ITEM, It is statute and ordained be our Soveraine Lord and his three Estaites in this present Parliament, that a fine penny of gold be stricken of the wecht and fines of the *Rose*-Noble, and a penny of silver to be equall in fines of the auld *English* groate, and ten of them to make ane ounce of silver, and to haue course and passe for fourteene pennies. And there salbe alswa ane halfe groate of the samin. And the said penny of gold to haue course, and pas for threttie of the said groates. And ane vther penny of gold to be of the samin prent, and to haue course for xx. of the said groates. And the thrid penny of gold to haue passage for x. of the said groates. And the said penny of Golde to haue sik prent and circumscription, as salbe advised be the Kingis Hienesse. And all vther money

money to be conformed equally thereafter. And that our Soveraine Lord ſall limit a wiſe man, that hes knawledge in the money to be Wardene thereof, & to examine and aſſaie the fines of the ſaid gold & ſilver, after the forme and rule maid in the parliaments of before: the Wardene and the cuinzioures havand ſik like fees for their laboures, as they had in our Soveraine Lordis Fathers, and Grandſchirs times, and ſik-like profite to cum to the Kingis Hieneſſe of the cuinzie. And for the inbringing of bulzieon, the merchandes ſall for the gud of the Realme, bring in of ilk Serplaith of Wool, Skin, hydes and claith, and of ilk laſt of Salmond, effeir and thereto, foure ounce of brunt ſilver. And they ſall haue for ilk ounce, ten of the ſaid groates.

94 Of Iuſtice aires, reſpettes, and remiſſions

ITEM, It is thoucht expedient be the Lordes foreſaid, that for the increaſe of juſtice and tranquillitie of the Realme, that our Soveraine Lord cauſe his juſtice aires to be halden vniverſally in all partes of his Realme twiſe in the zeir, anis on the garſſe, and anis on the Corne, vnto the time that the realme be brocht to gud rule. And counſellis his Hieneſſe to call a parte of the Lordes and Headeſ-men of all partes of his Realme, and take dittay of them of notoure treſpaſſoures, without exception of ony perſon, to be taken & juſtified without remiſſion, quhilk they vnderſtand wald be great cauſe of the commoun gud and weilfare of the Realme. And that na reſpettes be given in time to cum: For they ar mair againſt juſtice, then plaine remiſſions ar. And that the reſpettes that ar given, be na prejudice to the parties, anent the perſewing of their richtes, nor to dittaies, nor arreiſtments to the Kingis Officiares, Crowner nor vther deputes. And that na remiſſiones war given for commoun thieft, except the firſt aires, as for the Borderers, that is to ſay, the *Mers, Teviotdale, Iedburgh-forreſt, Liddaliſdale, Eſkdale, Ewiſdale*, and *Annanddale.*

95 Of Ferriers that takis double fraucht.

ITEM, Becauſe there is great extorſions raiſed vpon our Soveraine Lords lieges, baith puir & rich, be taking of double and triple fraucht, be the Ferriers, in contrair the auld actes of Parliament, and vſe and conſuetude of the Realme: The Lordes of the Articles thinkis expedient, that al Ferriers within the Realme in time to cum, be charged that they raiſe nor tak na mair fraucht of our ſoverain Lieges for man nor vther gud, bot ſa meikle as is ſtatute and ordained of before to be payed, and after the auld vſe and conſuetude. And that they be reddie to ſerue all men for that fraucht, ſa that they be not taryed in default of the Ferriers. And that this be a poynt of dittay in time to cum: And quha that beis convict, in the firſt aire, ſal pay the vnlaw of the aire. And at the nixt time, the boate to be eſcheit. And at the thrid time, to be ſuſpended fra the vſing of the ſaid office for all the daies of his life, and to be priſoned and warded at the will of our Soveraine Lord.

96 That

96 That there be ane Deakon and ſearchour of gold-ſmithes.

ALSwa it is adviſed and concluded be the Lordes of the Articles, that for the eſchewing of the great damnage and skaithes, that our Soveraine Lordis lieges ſuſtenis be the gold-ſmithes in the miniſhing the fines of the ſilver warke: That fra thine furth there be in ilk burgh of the realme, quhair gold-ſmithes ar, ane Deakon, and ane ſearchour of the Craft. And that ilk gold-ſmithes warke be marked with his awin marke, the Deakons marke, and the marke of the Towne, of the fineſſe of twelue penny fine. And quhair there is ony ſik warke within the ſaid fineſſe, the warke to be broken, the wark-man to vp-make the availe of the fineſſe foreſaid, and the ſaid wark-man to be puniſhed therefore at the Kingis will. And that na gold-ſmith take vpon hand to be a maiſter, or to hald open buith of the craft, bot gif he be admitted be the officiares of the craft, and the haill body of the craft, And gif ony be foundin vſand craft, haldand open buith, that ar vnſufficient, that the perſones be cauſed to ceaſe and put vnder a maiſter of craft. And this act to be put to execution within 40. daies nixt followand the proclamatiõ of theſame.

97 The crying downe of the new Plackes.

OVr Soveraine Lord of his ſpecial grace, & at the requeſt & deſire of the Lords of the three Eſtaites in his Parliament, hauand conſideration of the great diſtres, that now proceedis amangſt his lieges in default of victualles & all vther merchandice & gudes, that is put to derth, and raiſed & put to exceedand price, & halden & abſtracted fra mercats, throw occaſion of great quantitie of falſe counterfeit money, placks, ſtriken in cuinzie of lait be fals cuinzieours, not allanerly within this realm, bot als out-with the realme ſa ſubtillie, and in ſik forme of mettle, that it is vn-poſſible to diſcerne & knaw the trew fra the fals: that therefore his hienes moved of pietie, & of his grace, as ſaid is, & for ſafety of his people, eſchewing of dearth, and mony vthers inconvenients, hes ordaned to ceaſe the courſe & paſſage of all the new plackes laſt cuinzied, & gar put the ſamin to the fire. And of the ſubſtance, that may be fined of the ſamin to gar make ane new penny of fine ſilver, like the fourteene penny groate ordained of before, quhilk is of fines to the *Engliſh* groate, and ten of them to make an ounce. And in part of releeving of his people, that they ſal not tine al the ſummes that they haue of the ſaidis placks his hienes hes cauſed *Thomas Tod*, and *Alexander Levingſtoun* to receiue, grant, and take vpon them all plackes baith trew and fals, that is within his realme fra quhat-ſum-ever perſones that will bring or ſend them to the ſaidis *Thomas* and *Alexander*, betuixt this & the laſt day of *May incluſiuè*, and to giue therefore ij. pennies for ilk plack, that is to ſay, a xiiij. d. groate for ſeven of the ſaid plackes, or ony vther payment, that wil empleis the partie receivand. And the ſaidis *Thomas* and *Alexander* ſal find ſovertie to the perſons, that they receiue the money fra, to make them payment, as ſaid is, gif ſovertie be deſired of them. And that the latter paimẽt ſal be maid to al perſons be the laſt day of Septẽber nixt to cum.

FINIS

THE XIIII. PARLIAMENT OF KING IAMES

the Thrid, halden at Edinburgh, the first

of *October*, the zeir of GOD, ane thouſand, foure hundreth, auchtie ſeven zeires.

98 For in-bringing of treſpaſſoures, and defending of them at the Barre.

ALSWA, Becauſe our Soveraine Lorde, hes ſa gratiouſlie applyed him to the counſell of his three Eſtaites at this time, in all thinges concerning them, and the commoun profite of the Realme, and beninglie granted to them all their deſire and requeſtes, that they haue maid to his Majeſtie, all the Lordes Spirituall and Temporal, Barronnes, Free-halders, and Communities of the Eſtaites of the Realme, hes frelie granted, that euerie ilk ane of them for him ſelfe, ſall faithfullie promiſe and ſweare, that they ſall not in time to cum, mainteine, fortifie, ſupplie, defende, nor be Advocates, nor ſtande at the Barre with manifeſt traitoures, nor commoun menſlayers, thieues, rieuers, nor vther treſpaſſoures, nor perſones perteining to them ſelfe or vthers: Saifand it ſalbe leiffull to them in ſober wiſe, to ſtande with their kinne and friendes, in the defenſe of them in honeſt actiones: Bot that they ſall at all their gudlie power, bring, or gar bring treſpaſſoures to Iuſtice, and vnderly the Law, but diſſimulation, quhen euer they be required or charged thereto, be OVR SOVERAINE LORD, or his juſtice. And als then at all their power and knawledge, ſall giue their counſell, helpe, ſupplie, favoure, and aſſiſtance to inquire and get knawledge of the ſaid treſpaſſoures for execution of juſtice vpon them, after their demerites. And that the Lordes of the Regalities, and all vtheris, Spirituall and Temporall, that hes juriſdiction of Courtes, nor their Baillies ſall not ſell ony treſpaſſoures, nor fine with them, nor ſall not for loue, fauoure, affection, or meid, or reward leaue juſtice vn-done. And that ilk ane of them ſall make ſuith-

ſuith-faſt and true relation to our Soveraine Lôrdis Chancellar or Iuſtice, quhen they ſalbe required of the perſones that dois in the contrair hereof. And quha ſa beis convict and attainted of the breaking of the poynts & articles foirſaid, or ony of thē, ſalbe puniſhed after the forme of the Kings Laws, and of *Regiam Maieſtatem*: And the ſtatutes maid be King IAMES the Firſt, & King IAMES the Second, our Soverain Lords Grandſchir and Father.

99 Of arreiſting of mightie and diſobedient perſones to the Iuſtice aire.

ITEM, It is thocht expedient, ſtatute and ordained for the gud of Iuſtice, in-bringing of treſpaſſoures to the Law, and puniſhing of them, that in time to cum, quhen the crowner receiuis his porteous & traiſtis, that there be ony perſones conteined in the ſamin, that will diſobeie him, that he dare not, nor is not of power to arreiſt: In that caſe the Crowner ſall paſſe to the Lorde and Barrone of the Barronie, quhair that perſon or perſones dwellis and inhabitis. And gif he dwellis not within a Barronie, he ſall paſſe to the Schireffe of the Schire, and ſchaw his porteous, that he hes ſik perſones conteined therein, and inquire and aske, gif that Lord, Barronne, or Schireffe will be ſovertie & Borgh for thay perſones or perſon, to enter them to the juſtice aire, ſen they dwell within their Lordſhippes, Barronnies, and boundes. And gif they grant thereto, he ſall deliver them the names of the perſones, that they cum borrowes for, indented in writ, ſealed or ſubſcribed with their awin hands. And if they deny & refuſis the ſovertie or borgh, he ſall ask & require the ſaid lord barron or Schireff in the kings name, outher to pas, or ſend their officiars with their houſhald & familiars, in ſufficient number with the ſaid Crowner, or ſtuffe, fortiefie and ſupplie him in the making of his arreiſtment, taking or keiping of the perſon that will not finde ſovertie, quhill he be brocht to the Schireffe to be keiped to the Iuſtice Aire. And quhat Lord, Barronne, or Schireffe, that denies or refuſis the doing thereof, ſall pay ten pounde to the King, at the nixt Iuſtice Aire thereafter: Swa that it may be ſufficiently proued be the Crowner, that they were required thereto, as ſaid is.

100 Men-ſlayers charged vpon ſex daies, and nocht compeirand, ſuld be denunced Rebelles

ITEM, It is thocht expedient, ſtatute and ordained, that the Actes of Parliament maid of before, anent the punition of ſlauchter be put to execution, with this addition: that quhair ony perſon committis ſlauchter, and cummis not incontinent to the Schireffe to binde him to the Law, and finde ſovertie therefore, after the forme of the actes of Parliament maid of before, bot beis fugitiue and abſentis him: The Schireffe ſall then foorth-with, be him or his deputes, ſearch and ſeeke the committer of the ſaid ſlauchter at his dwelling place, if he hes ony. And if he

hes nane, and cannot bē perſonally apprehended: Then the Schireffe ſall put his gudes vnder arreiſt, and paſſe, or ſend his depute to the head Burgh of the Schire, quhair the ſlauchter is committed, and be open Proclamation at the mercat-croce, warne and charge the ſlayer, ane or maa, as they be, that they cum to him within ſex daies nixt after, and finde ſovertie to compeir and vnderly the law at a certaine day, vnder the paines conteined in the actes of Parliament, maid of before. The quhilkis ſex dayes beand runnin, and the perſones not compeirand, and findand ſovertie, as ſaid is: Then the Schireffe incontinent, to put them to the horne, and denunce them the Kings rebelles, and take and eſcheit their gudes. And make warning to the nixt Schireffe, that ſik perſones ar put to the horne be him, and charge him in our Soveraine Lordis name to do the ſamin, or els take and arreiſt their perſones, gif they may be apprehended, and bring them to the Law.

101 Of the keiping of arreiſted treſpaſſoures.

ITEM, It is thought expedient, ſtatute and ordained, for the punition & iuſtifieing of ſik treſpaſſours as hes bene in times bygane, after that they were taken and arreiſted be the Crowners, and in default that they could finde na borrowes, nor there was na Caſtell to receiue and keepe them in, quhill the Iuſtice Aire, and their-throw eſcaiped and was put fra the Law: That therefore in time to cum, quhair onie Crowner arreiſtis and takis ſik treſpaſſoures, he ſall bring them to the Schireffe of the Schire, quhilk Schireffe ſall receiue them, and keepe them in ſuretie and firmance on OVR SOVERAINE LORDIS expenſes quhair it failzeis of their awin gudes, quhill the nixt Iuſtice Aire, and then preſente them to the Iuſtice. The quhilk Schireffe ſall haue allowed to him in the Checker, for the expenſes, that he makis in the keiping of thay perſones, that beis delivered to him be the Crowner, for ilk perſon three pennies on the day, he bringand a teſtimoniall to the Checker fra the juſtice vnder his ſeale, of the perſones, that he bringis to the juſtice aire, & how lang time, and quhat dayes he keiped them. Vpon the quhilk time and daies the juſtice ſall take certification & proofe in the aire, quhat time the Crowner delivered them, & how lang the Schireffe keiped them. And gif the Schireffe refuſis to receiue the perſon or perſones that ſalbe brocht to him be the Crowner, as ſaid is, he ſall vnderly the danger and vnlaw of the Iuſtice aire to the fourt court, as ane borgh ſuld do, for fault of entrie of a perſon arreiſted, the Crowner prievand, that he brocht ſik perſones to the Schireffe, and required him to receiue them, as ſaid is.

102 The Crowner may nocht intromet with gudes of men convict, without the Schireff is conſent.

ITEM, It is ſtatute and ordained, that becauſe the Crowners in times by-gane, throw wrang conſuetude and abuſion of the Lawe, after that a treſpaſſoure was convicte before the Iuſtice, and condemned to the death, the ſaidis Crowners walde incontinent paſſe

or

or ſend to eſcheit the gudes perteining to our Soveraine Lorde, of ſik convict treſpaſſours, and that their awin hand intromet with the ſamin, & appropriate a part thereof to their vſe, baith corne and cattle, & vther guds, that of law or reaſon ſuld nocht perteine to their office: It is therefore thocht expedient, ſtatute and ordained in this Parliament, that in time to cum, na Crowner take vpon hand to take ony ſik gudes, or intromet there-with, quhill the Schireffe of the Schire or his deputes pas or ſend with them, and ſee all the haill gudes, and thereafter deliver to them ſa meikle, as they ſuld haue of reaſon, and as perteinis to their office, and bring the remanent till our Soveraine Lord and his Theſaurer: And that the Schireffe deliver to the Crowners na mair, then they aucht of Law to haue. And gif they do in the contrair hereof, and intromettis and takis ony of the ſaid gudes at their awin hand, they to be puniſhed therefore, as for riefe.

103 The Schireffe and the Crowner ſuld thoill ane aſſiſe the laſt day of the aire.

ITEM, It is ſtatute and ordained, that there be charge given to the juſtice, that he in time to cum, the laſt day of his aire, giue ane aſſiſe to the Schireffe and Crowner, gif they haue vſed and done their office trewlie. And gif they be convict and foundin falſe therein, that they be puniſhed therefore, after the forme of Law and their demerites.

104 The Schireffe diſchargeand convocation, and diſobeyed, may continue his courte.

ITEM, It is ſtatute and ordained, that the acte and ſtatute maid of before, anent the cumming to courtes in ſober wiſe and quiet, but armes or convocation of our Soveraine Lordis lieges, be put to ſharpe execution in all poyntes conteined in the ſamin, and with this addition: That fra the Schireff be ſickerly certified and get knawledge, that ony parties makis convocation and gathering of armes to cum to the Court: The Schireff ſal be him ſelfe, his deputes or officiars, ſend to thay parties, and charge them to ceaſe, and skaill their gadderinges, and cum in ſober and quiet wiſe to the court, after the forme of the ſaid act, the quhilk gif they do not, that he ſall ceaſe the court for that day, and incontinent cum and ſchaw to our Soveraine Lord, quhat perſons diſobeyis him. And thereafter to call thay perſones, and take knawledge of their diſobedience. And quha that beis foundin culpable, ſall be puniſhed be warding of their perſones for ane zeir, and als to pay the expenſes and damnage, that the partie ſuſteinis be deferring of juſtice, throw the ſaid diſobedience.

105 That all actions firſt be perſewed before their Iudge Ordinar.

ITEM, It is thocht expedient, that all civill actions, queſtions and pleyes, moued betuixt quhatſumeuer parties, be determined and de-

cided before their Iudge Ordinar, as iuſtice, Chalmerlane, Schireffes, Barronnes, Proveſtes and Baillies of Burrowes, and vthers Officiares judges and miniſters of Law, to quhom thay actions perteinis and effeiris, to be determined and decided: Swa that na actiones ſalbe deduced, called, nor determined before the Lordes of our Soveraine Lordis councell, except allanerly actions perteining in ſpecial to our Soveraine Lord, actions & complaintes maid be Kirk-men, widowes, Orphanes, and Pupilles, actions of ſtrangers of vther realmes, and complaints maid vpon officiares, for fault of execution of their office, or quhair the officiars ar partie them ſelfe. And quhen euer the complainte is maid on the Officiar for wrangeous and inordinat proceeding in ony maters and ſummoundes be determined and given thereupon, the partie that hes perſewed or defended the action, ſalbe ſummound and called the ſamin day, with the Officiar for their entres, and ſpecial charge given, that the rolmentes of the court be brocht with them to that day, that it may be vnderſtandin, quhidder it be richteouſly proceeded and determined, or not. And gif it beis foundin, that the Officiar hes proceeded wrangeouſly, or vnordourly: The proceſſe ſalbe reduced and annulled, & he to pay the expenſes of the partie, and to be puniſhed at the will of the King, after the forme of the act of Parliament maid in that mater of before. And gif the partie compleinzieand beis foundin in the wrang, be making of the complaint, he ſal paye baith the expenſes of the Officiar and the partie. And gif the partie be not of power to pay the coaſtes: Then their perſones ſall be at the will of the King, tane and puniſhed be warding or priſoning of their perſones: Providing alwaies that this ſtatute hurt not the proces of the falſing of doomes, quhair it pleaſis the partie to proceede that way. And that all ſummoundes, that ar now raiſed, or ſtandis vnder continuation, dependand and vndetermined, ſalbe decided and ended before the Lordes of councell. And this acte and ſtatute till indure quhill the nixt Parliament.

THE

FINIS.

THE ACTS AND STATVTES that the haill Commissioners of Burrowes desiris to be ratified and approved in this present Parliament, and to be put to execution for the honour of our Soveraine Lordis Hienesse, his Realme, and weil-fare of Merchandes.

106 Of saillers, to haue halfe ane last of gudes.



ITEM, It is statute and ordained, that the actes of Parliament maid of befoir vpon the greate multitude of simple, vnhoneſt persons Saillers foorth of all Burrowes South and North, in the parts of *Flanders*, *Holland*, or *Zeelād*, micht be put till dewe execution: Sa that na man saile in the saids parts in way of merchandice, bot famous and worshipfull men, having ilk ane of their awin halfe a laste of gudes, or havand sameikle in steirage or governance, vnder the paine of ten pounde, to be raised to OVR SOVERAINE LORDIS vse, as the auld actes proportis. And als that na Merchande saill within the fore-saide partes, bot gif he be a free man of a Burgh, and in-dweller of the samin, vnder the said paine. And that searchoures micht be limit here-upon, havand power to execute and search the actes, and raise the paine, and in-bring the samin till our Soveraine Lordis Checker, als oft as they be foundin doand the contrair hereof. And the Cōmissioners thinks expedient, that in ilk Burgh, the Provoste, Baillies, and Customers, be searchoures, and answer hereof.

107 That craftes-men vsand merchandice, renunce their craft.

ITEM, It is statute and ordained, that the act of Parliament, touching the craftes-men vsand and dealand with merchandice, micht be put to execution, sa that he that is a craftes-man, outher for-beare his merchandice, or else renunce his craft, but ony dissimulation or cullour, vnder the paine of escheit of the merchandice, that he vsis occupyand his craft, and this escheit to be in-brocht be the said searchoures to our Souerain Lordis vse, and compt thereof to be maid in the Checker.

108 Of chuſing of officiares in Burrowes.

ITEM, It is ſtatute and ordained, that the acte of Parliament, maid anent the chuſing of Officiares in Burrowes may be ratified and approved, and put to execution, and in time to cum to be obſerved and keiped Sa that the election of Officiars micht be of the beſte and worthieſt indwellers of the Towne, and not be partialitie nor maiſterſhip, quhilk is vndoing of Burrowes, quhair maiſter-ſhippes and requeiſts cummis.

109 Of frauchting of Schippes, and the paines thereof.

ITEM, It is ſtatute and ordained be the three Eſtaites in this preſent Parliament, that the acte of frauchting and lading of Schippes, micht be put to execution after the tenour of the ſamin, and that nagudes be fured be the maiſter vpon his ouer-loft, nor the merchandes guds to be ſtricken vp, nor vnreaſonably ſpaked nor rieven, vnder the pain of twentie pound to the Kingis vſe. And this to be ſearched be the officiares of the Burgh, and the head frauchteſ-men of the Schip, the quhilk ſall anſwere therefore.

110 The binde of Salmond, and meaſure thereof.

ITEM, It is ſtatute and ordained be the three Eſtaites in this Parliament, that the Barrell binde of Salmond, ſuld keipe and conteine the aſſiſe and meaſure of fourtene Gallones, and not to be miniſhed, vnder the paine of eſcheit of the Salmond, quhair it beis foundin leſſe, to the Kingis vſe: And that the Proveſt, Baillies, and Cuſtomers of ilk Burgh, be ſearchoures heirto. And that ilk burgh haue three hupe irons, *videlicet*, ane hupe irone convenient herefore, ane at ilk end of the barrell, and ane in the middeſt: for the meaſuring of the barrel, and a burning iron to marke the ſamin, vnder the paine of eſcheit of the barrel vn-marked.

111 That Commiſſares of Burrowes compeir togidder anis in the zeir in Innerkething.

ITEM, It is ſtatute and ordained be the haill three Eſtaites, that zeirly in time to cum, certaine Commiſſares of al Burrowes, baith South and North, conveene and gadder togidder anis ilk zeir in the Burgh of *Innerkething*, on the morne after Saint *Iames* day, with full commiſſion: and there to commoun and treate vpon the weil-fare of merchandice, the gud rule and ſtatutes for the commoun profite of Burrowes. And to provide for remeid vpon the skaith and injuries ſuſteined within the Burrowes. And quhat Burgh that compeiris not the ſaid daie be their Commiſſares, to paye to the coaſtes of the Commiſſares fiue pound. And zeirly to haue our Soveraine Lordis Letter to diſtreinzie herefore, and for the in-bringing of the ſamin.

112 Annexation

112 *Annexation of the Erledome of* Marche, *and vther landes to the Crowne.*

IT IS thought expedient be the three Eſtaites, to vnite and annexe perpetually to the crowne ſik Lorſhippes and landes, as they ſal think convenient, of the landes that is cummin in the handes of our Soverain Lord, be the forefaltour, led vpon *Alexander*, Duke of *Albany*, Erle of *Marche*, *Mar*, and *Garioch*, Lord of *Annandaill* and *Manne*: And Sir *Iames* of *Liddall*, of *Halkerſtoun*: Sa that thereafter our Soverain lord may be adviſed how he wil diſpone the remanẽt to the rewarding of his true lieges, that hes in time by-gane done, and ſall in time to cum do, his Hieneſſe gud and trew ſervice. Of the quhilk annexation the tenour followis: IAMES, be the grace of God, King of *Scottes*, to all and ſindrie his lieges, baith Clerkes and Laicks, greeting: FOR-Sameikle as there is nathing mair honourable to vs, and our Succeſſoures, nor profitable to our ſubjectes inhabitants of our Realme, then to haue in all the partes of our Realme, certaine dominions and poſſeſſions appropriate vnto vs: In the quhilk we may perſonally dwell and remaine, for doing of juſtice to our ſubjectes, and puniſh the male-factoures and tranſgreſſours of our Lawes: that thereby we may governe honourablie, and quietlie preſerue the eſtaite of our Realme, without oppreſſing of our Lieges: Therefore in our Parliament, halden at *Edinburgh*, the firſt day of *October*, the zeir of God, ane thouſand, four hundreth, four ſcoir ſeven zeirs: with adviſe and conſent of all and ſindrie Prelates, Barronnes, Burgeſſes Commiſſioners, Free-halders, repreſentand the three Eſtaites of our Realme: It is ſtatute and ordained, that all and ſindrie Lordſhippes, Landes, Caſtelles, with Advocation and Patronage of Kirks and Chaplanaries, with their pertinents hereafter expreemed, ſalbe in all times cumming vnited, incorporated, and annexed: Like as be this preſent ſtatute and ordinance, they ar reallie vnited, incorporated, and annexed to vs, our Succeſſoures Kingis of *Scotland*, and to the richt of the Crowne thereof perpetuallie: Swa that it ſall not be leaſum to vs, our Succeſſours Kinges of *Scotland* quhat-ſumeuer, in ony time hereafter, to giue, grant, or in ony maner of way to annalie from the richt and propertie of our Crowne, in fee or life-rent, to ony perſon or perſones, of quhat-ſumeuer eſtaite, degree, ordour, or condition he be of: The foreſaidis Lordſhippes, landes, Caſtelles, Patronages of Kirkes, or ony part thereof, except the ſaid donation, or alienation, ſalbe maid with the adviſe, mature deliberation and decreit of Parliament of the three Eſtaites of our Realme: And that for the evident commoditie, and manifeſt vtilitie of vs, our Succeſſoures and ſubjectes. And gif it ſall happen ony of the Lordſhippes, landes, Advocation of Kirkes within written, to be annalied or diſponed be vs, our Succeſſoures Kingis of *Scotland*, in ony time

time hereafter, without mature deliberation, conſent, and decreite of Parliament, or our euident commoditie and manifeſt vtilitie of vs, our Succeſſoures and ſubjectes, as ſaid is: The ſamin donation and alienation, ſwa maid and granted, ſalbe of na ſtrength, force, nor effect: In ſik ſorte that it ſalbe leſum to vs and our Succeſſours, Kings of *Scotland*, for the time, to take back and receiue at his awin free will and pleaſure without ony proceſſe of law to be moved there, anent the ſaidis landes, Lordſhippes, Caſtelles, and advocation of Kirkes, ſwa alienate, contrair the tenour of this ſtatute, to remaine as richt & property of our crown, and to our awin proper vſe, notwithſtanding the alienation thereof foreſaid: And mair-over, all and ſindrie the perſones to quhome the ſaidis Lordſhippes, landes, Caſtelles, advocation of Kirkes was ſwa given and annalled, ſalbe bound and obliſhed to reſtore all and ſindrie fructes, commodities, and emolumentes intrometted-with and taken vp be them of the ſaidis landes, induring the haill time of the donation and alienation thereof, to vs our Succeſſoures, Kingis of this Realme for the time. And thir ar the Lordſhippes, landes, Caſtelles and Advocation of Kirkes, vnited, incorporated, and annexed to vs, our Succeſſoures and richt of our Crowne.

Imprimis, All and haill the Lordſhippe and Erledome of *March*, with the pertinents: All and haill the landes of the Barronnies of *Dumbar*, and *Colbrandſ-peth*, with the Caſtel of *Dumbar*, with the toure and fortalice of *Colbrandſ-peth*: All and haill the lands of the Lordſhip of *Annanddaill*, with the pertinents, with the Caſtell of *Lochmaban*, with tennents, tennendries, and ſervice of free tennentes, of the ſaid Earledome and Lordſhippe of *March*, and of the foreſaidis barronnies of *Dumbar*, and *Colbrandſ-peth*, and Lordſhip of *Annanddail*, and advocations of al and ſindrie Kirkes, Prebendaries and Chaplanaries perteinand to the ſaidis Erledome, Barronnies and Lordſhippes: Mair-ouer to the effect that this preſent ſtatute may be the mair ſurely keiped and obſerved: It is ſtatute and ordained, that we ſall giue our bodiely aith, for the inviolable obſervation of the ſamin: And that all and ſindrie our Succeſſoures, Kingis of *Scotland*, ſalbe obliſhed to make the like aith in the time of their Coronation: In witneſſe of the quhilkis all and ſindrie premiſſes, our great ſeale, and the ſeales of the Venerable and Reverend Fathers in Chriſt, Biſhoppes, Abbottes, Priors, togidder with the ſeales of our lovits, Couſinges, Earles, Lordes, Barronnes, Free-halders, and Commiſſioners of Burrowes, ar hereto hung and appended.

113 The Crowner ſuld haue the horſe perteining to the malefactores.

IT is ſtatute and ordained, that the ſtatute maid of before, anent the guds of the perſons that ar juſtified, and quhat part the Crowner ſuld haue

haue thereof: and eſpeciall of this poynt, quhair it is ſaid, in the ſaid ſtatute, of dantoned horſe vn-ſchod: that it be interpreted and declared in time to cum, in this waies: That the ſaid Crowners ſall haue dantoned horſe depute to warke, and not to the ſaddle, that was never ſchod nor vſed to ſchone.

114 *Anent ſtrangers bringand in victualle, and vtheris merchandice.*

AND Attour, for the commoun profite of the haill Realme, and to cauſe ſtrangers of vther Realmes to cum within the ſamin with victualles, and vther Merchandice, to the ſupportation of the Kingis lieges: It is ſtatute and ordained that in time to cum, all ſtrangeres bee treated honorablie with all favoures, quhair ever they cum to ony Port of the Realme: And that nane of our Soveraine Lords officiars, nor vther his lieges, diſtrouble them, nor put them ſelues, ſchips nor gudes vnder arreiſt: Bot that they haue full libertie and freedome to diſpone vpon their awin gudes, and ſell them to free-men, without compulſion or violence: And that na price be ſet vpon their gudes, bot be bying and ſelling with their awin conſent. And that na new cuſtoms, impoſitions, nor exactions be raiſed nor taken of them, bot after the auld vſe and conſuetude: And quhair ony victualls of Merchandice cummis gaining for our Soveraine Lord: that his Comptroller or receiver, after that the price be maid with the ſtrangers, ſall haue ſa meikle of the firſt and beſt, as is needefull to our Soveraine Lordis proper vſe, for the quhilk they ſal make thankfull payment, but delay, that in default thereof, the ſtrangers be not tarryed. And that in time to cum, na perſon vnder cullour of byeing to OVR SOVERAINE LORDIS vſe, take or receiue mair gudes fra ſtrangers, to regrate and ſell againe, vnder the paine of baniſhing the Realme, and tinſell and eſcheitte of their moveable gudes. And mair-over, that ſtrangers now being with in the Realme, that ar plainteous of ony gudes taken fra them, or injurie done to them, ſall haue incontinent payment maid to them, and reformation, according to juſtice. And in like waies, gif ony ſtrangers, that ar now abſent cũmis hereafter to compleinzie, that they ſal haue reformation and juſtice of ony perſon within the Realme, but delay: Swa that throw miniſtration of juſtice, and favorable treating of all ſtrangers, they ſall haue occaſion to cum and repaire in the land in time to cum, to the great vtilitie of the haill Realme.

115 *Commiſſion for examination of the Lawes.*

ITEM, the haill three Eſtaites hes committed full power of the haill Parliament to the perſones vnder-written, to adviſe, commoun and re-

refer againe to the nixt Parliament or generall Councell, anent the reduction of the Kingis Lawes, *Regiam maiestatem*, actes, statutes, and vther buikes to be put in ane volume, and to be authorized, and the laue to be destroyed, *viz.* Four for ilk ane of the three estaites, and the Prelates ar accorded to make the coaste, of their Clerkes: And the Barronnes the expenses of their persones. And the Burrowes of their Commissioners.

ANE TABLE OF THE PARTICVLAR ACTS AND vtheris, maid be King James the Thrid,

quhilkis ar nocht prented. First Parliament *ninth of* October, *the zeir of God, ane thousand, four hundreth, sextie sex zeires.*

ANent the mariage of our Soveraine Lord.
Anent bairnes put in fee of the land.
For in-bringing of money within the Realme.

Second Parliament, xxxj. of Januar. 1466
Licence to Merchandes to passe to Middle-burgh *with their gudes.*

Fourth Parliament. xiiij. of Ianuar. 1467
Anent sitting of Sessions.
That there be twa sessions.
Of sitting and authorizing of Iustice aires.

Fifth Parliament. xx. of November. 1469.
The Setter-day *and vther vigils to be halie daies.*
Anent the reduction of Hospitalles.
That Ferriers make Brigges.

Sext Parliament. vj. of Maij. 1471.
Of Cartes of weir to be maid.

Seuenth

Seventh Parliament. 9of Maij. 1474

Ane Embaſſadour to England : *That all complaintes be perſewed before their Iudge Ordinar.*

Aucht Parliament.xx.of November.1475.

Of Iuſtice aires twiſe in the zeir.
Anent the mariage of our Soveraine Lordis Siſter.

Tenth Parliament.vj.of Auguſt.1477

Of ſlauchter.
Of the money.
Ane Embaſſadour to the Duke of Burgundie.
Commiſsion anent an Embaſſadour to be ſent in England

Elleuenth Parliament.xviij.of March.1481.

Anent weapon-ſchawing.
Againſt the riever Edward.
The Kingis promiſe anent Iuſtice.
The maner to reſiſt the riever Edward
Of Currours and their horſes.
For reſiſting of the traitour Iames Dowglas.
The vp-halding of Berwicke, *and Garriſones on the* Bordoures.
Of wages contrair the favorers of Iames Dowglas.
Ane Embaſſadour to the King of France.
Anent the indult granted to the Arch-biſhop of Saint-Andrewes.

XIII. Parliament.iiij.of Februar. 1483.

Recovering of Dumbar *Caſtell againſt* Alexander *Duke of* Albanie.
The denying of remiſsions and reſpettes.
Impetration of benefices the ſege vacand.
Ane Embaſſadour to King Richard.
Of the fiſh-girth
Ane Embaſſadour to the Paipe, *and his inſtructions*
Of talloun and ſalt hides.
Refuſe of remiſsions and reſpettes.
Of Iuſtice generalles to be maid.
Embaſſadour to the King of the Romaines
Of fiſching and making of herring in the Weſt ſea.
Annexation of the Priorie of Coldingham *to the Chaipell Royall.*

FINIS.

THE FIRST PARLIAMENT OF KING IAMES THE FOVRTH, HALDEN at Edinburgh, the Sext day of October,

The zeir of God, ane Thouſand foure hundreth foureſcoir aucht zeiris: And of his Reigne the firſt zeir.

1 *Of Burrowes repledgeand their nichtboures fra the Iuſtice.*



IT Is ſtatute and ordained anent the article belangand the Burrowes, in the time of the Iuſtice aires, quhilkis hes bene repledged fra the Iuſtice, he ſittand in the principall Burgh of the Schire, into their freedomes: Throw the quhilk repledgeing, juſtice hes not bene done vpon the inhabitants of the ſaid burrowes in time by-gane: Therefore in time to-cum it ſalbe leiffull to the Kingis Iuſtice, he ſittand in the principal Burgh of the Royaltie, vpon the mater of the aire, to giue ane aſſiſe to all inhabitants within vtheris Burrowes of their awin nichtboures, that beſt knawis the veritie, gif they be preſent. And gif ſa mony bee not preſent, that may be ſufficient number: That it ſalbe leiffull to him to chooſe ane aſſiſe of the ſaid head-Burgh, or to eik the number, as he thinkis maiſt expedient for the gud of Iuſtice, and without prejudice of the freedomes of the ſaid Burrowes.

2 *That a fine penny of gold, and ane vther of ſilver be ſtricken, Of the Wardens of the cuinzie.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites in this preſent Parliament, that a fine penny of gold be ſtricken, to be of weicht and fines to the *Roſe*-Noble, and ane penny of ſilver to be equall to the auld *Engliſh* groate, and ten of them to make ane ounce of ſilver, and to haue courſe and gang for fourtene pennies. And that there ſalbe ane halfe groat of the ſamin. And the ſaid penny of gold to haue paſſage and gang for threttie of the ſaids groates. And ane vther penny of gold to haue courſe and gang for twentie of the ſaidis groates of the ſamin prent. And the thrid penny of gold to haue paſſage for ten of the ſaidis groates of the ſamin prent. And the ſaidis pennies of Gold and ſilver to haue ſik prent and circumſcription, as ſalbe adviſed be the Kingis hieneſſe. And all vther money to be equally conformed thereto. And our Soveraine Lord ſall limit ane cuinziour thereto, as *Alexander Levingſtoun*, and a wiſe and leill man, that hes knawledge in the money, to be warden thereof: That is to ſay, *Iames* of *Creichtoun*, of *Ruchvendaun*, for the ſpace of a zeir, to examine and aſſay the fines of the ſaid gold and ſilver, after the forme and rule maid in the Parliament of before: The ſaidis Wardene and cuinzioures havand ſik-like fee for their laboures, as they had in the time of our Soveraine Lordis Progenitoures, and ſik-like profites to cum to the Kingis Hieneſſe of the ſaid cuinzie: And as for the in-bringing of Bulzieon, the merchandes ſall for the gud of the Realme, bring of ilk Serplaith of Wooll, ilk laſte of Salmonde, ilk foure hundreth claith, foure ounce of brunt ſilver, of ilk laſt of hides ſex ounce, ilk laſte of Herring, twa ounce. And ſik-like of all vther gudes that payis cuſtome to the King. And the merchandes thereof ſall bring in bulzieon effeirand thereto. And attour, the merchandes that bringis hame the ſaid bulzieon, quhilkis ſalbe of the fines foreſaid, ſall haue of the ſaid cuinzie, and to be payed be the Wardene, twelue ſhillinges for ilk ounce. And the ſaid Wardene ſall furniſh the cuinziour of bulzieon, and the irons to be put in keiping, and to receiue it, that is cuinzied to the changeour thereof, and pay the merchandes for the ſaid Bulzieon, and to take ane aſſay of Gold and ſilver that ſalbe cuinzied, as is foreſaid, to be keiped and examined zeirly at the Checker, and there to be maid compt of ſa mony ounces, as is cuinzied in the zeir, baith of gold and ſilver. And the Cuſtomers at their compts making, to be charged with ſa mony ounces, and vtheris gudes, as is abone written in the ſamin forme. And to be diſcharged of ſa farre, as they deliver to the ſaid Warden and cuinzioures. And that all merchandes that beis foundin culpable in the breaking of this ſtatute, ſall pay to our Soveraine Lorde, the double availe of the ſaid ounces of bulzieon, according to the Serplaith and gudes abone written. And that all vther money, gold and ſilver ſall haue courſe to the availe, as it is now,

3 *That schippes cum to free Burrowes*

ITEM, It is statute and ordained, that in time to cum all maner of Schippes, strangers and vthers cum to the Kingis free Burrowes, sik as *Dumbartane, Irving, Wigtoun, Kirk-cudbricht, Renfrew*, and vtheris free Burrowes of the Realme, and there make their Merchandice. And that the saidis strangers bye na fish, bot salted and barrelled, nor bye nane vther merchandice, bot at free burrowes, and there pay their dewties and customes, and take their cocquet as effeiris. And that they make na merchandice at *Lowes* nor vther places, bot at free Burrowes, as said is. And that nane of our Soveraine Lordis lieges take Schippes to fraucht, vnder colour to defraud our Soveraine Lord nor his lieges, vnder the paine of tinsell of their liues and gudes, and that na strangers do in the contrair, vnder the paine of tinsell and confiscation of their Schip and gudes to our Soveraine Lordis vse.

4 *Of Clerkes that purchasis benefices contrair the Kingis presentation.*

ITEM, It is statute and ordained, that for-sameikle as it was statute & ordained be the Parliament in our Soveraine Lordis Anteceſſoures times of maist Noble minde: That quhat-sum-euer Clerk his liege purchased ony benefice at the Court of *Rome*, of the quhilk the presentation perteined to his hieneſſe, the sege vacand, be richt and priviledge of his Crowne: That they that attempts, accepts, or purchasis ony sik benefices, or committis the crime of hurt-majestie againſt his Hieneſſe, that the paines conteined in the act of Parliament, that is to say, proscription, rebellion and treason be execute vpon them. And now it is seene expedient be the three Estaites of the Realme, and statute and ordained, that quhat time it be declared be the best and worthiest Clerkes of the Realme, before the Lordes of Councell, that ony person or persones be grace acceptis, or purchaſſis ony benefice, perteining to our Soveraine Lordis presentation, the sege vacand, in the court of *Rome*, or within the Realme: or hes purchased or persued the samin, sen the last statute maid there-vpon: That after the declaration be maid be Clerkes before the Lordes of Councell, the Chancellar sall make the paines conteined in the said actes of Parliament to be put to execution vpon the breakres of the saidis actes, les nor they leaue the said benefices, after they be required there-upon: And their letters of declaration to be given in name of our Soveraine Lord and his three Estaites. And that the Ordinaries dispone vpon their vther benefices, for the inhabilitie of their persones. And gif ony persones Spirituall or Temporall wauld mainteine, supply, or defend the saidis Clerkes, breakers of our Soveraine Lordis actes of Parliament, after that it be declared his Patronage, as said is, they beand required, & will not desist fra the supplying of the saidis Clerkes: That there salbe letters given in likewise vpon them, declaring them to haue fallen in the samin paines, conteined in the actes of Parliamēt, as said is.

5 The revocation maid at Scone.

ITEM, Anent the Proclamation maid at *Scone*: It is ſtatute and ordained, that all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-fermes, creations of new dignities, granted to ony perſones, quhat eſtaite, degree, or condition that ever they be of, ſen the ſecond day of *Februar* laſt by-paſt, be vmquhile our Soveraine Lordis Father, quhom God aſſoilzie, quhilk micht be prejudiciall to our Soveraine Lord, and his Crowne, that now is, be caſſed and annulled, and to be of na force nor effect in times to cum: Becauſe that ſik alienations, gifts and priviledges were granted, ſen the ſaid time, for the aſſiſtance to the perverſed counſel, that were contrair the commoun gud of the Realme, and cauſe of the ſlauchter of our Soveraine Lordis Father, and divers vthers his Barronnes and lieges.

6 That the aires be not hurt be their predeceſſoures.

ITEM, It is ſtatute and ordaned, anent the aires of all Lordes, Barrones, & vther landed-men, that were with our Soverain Lord that now is, in the field of *Striviling*, againſt the perverſed coũſell in the miſguiding of vmquhile his Father, quhom God aſſoilzie, and the commoun gud of the Realme, that na hurt nor prejudice be done to them be ony of their predeceſſoures, in alienation or skaith of the heritages, that they ſuld ſucceede to, ſen the time of the ſaid fielde, or in ony time to cum:

And gif ony alienation be maid in prejudice of the ſaid aire, that it be of na ſtrength, force nor effect in time to cum.

And decernis and declaris the ſamin of nane availe, gif there be ony done.

FINIS.

THE

THE SECOND PARLI-
AMENT OF KING IAMES THE
Fourth, halden the fiftenth day of Februar,

the zeir of God, ane thouſand, foure hundreth, auchtie nine zeires.

7 Of the freedome of halie Kirke.

IN The firſt, for the honour of God, libertie and freedome of halie Kirk, and Kirk men: It is ſtatute and ordained, that all privileges, freedomes, and immunities of the ſamin be obſerved and keiped in time to cum, like as they haue bene in the time of our Soveraine Lords Father, and for-beares of maiſt Noble minde, with this addition: That the takers and intrometters of the lands, reinds obligations, proffites or dewties of halie Kirk, without tacke or aſſedation of the Perſon, Vicar, or their fermorares, be called, and that to be a poynt of dittay in time to cum.

8 Of vniverſall concord amangſt his lieges.

ITEM, As touching the loue, amitie and friendſhippe to be maid amongſt all our Soveraine Lords lieges and his Councel: It is thought expedient be the three Eſtaites, that our Soveraine Lord and his Councell ſall put his authoritie, be the aduiſe of his ſaid Councel, to make all perſones and parties to be at friendſhip and concord, and quhat perſon or perſones that refuſis, in his default, to heare ane reaſonable & honorable concorde of his partie: That the Kingis juſtice put ſharpe juſtice on the partie, quhilkis ar obſtinate, throw the quhilk the Kingis Hienes may cauſe them to be in heartie amitie, friendſhip, and quiet, with the punition, according to the Lawes of the Realme.

9 For in-bringing of the taxation and vn-doing of the Kingis diſcharge of ony part thereof.

ITEM, Anent the expedition of the haiſtie in-bringing and getting of the taxt granted in the Parliament, for the expenſes of ane honorable Embaſſadour that ſuld paſſe for our Soveraine Lordis mariage, anent the part being in the hands of the Clergie: It is thought expedient, that the Prelates now being in this towne, ſuld make a way with the Theſaurar, and ſchaw him how the ſaid taxt ſuld be payed for the part of the ſaid Clergie, or ony of them depart off this Towne. And for the taxt of Barronnes and Temporall perſones, that ſuld be raiſed and taken of the Schireffes and Baillies, and vther officiars of the Kingis: It is adviſed be the ſaid Lordes, that the ſaidis Schireffes and Baillies, and vthers Officiares, being ſo oft-times charged be the Kingis letters, and ar now called to be here, that therefore they be now charged be Officiares of the Kingis, to be before the Chancellar, and Lordes of councel, on Friday that nixt cummis, in *George Robieſones* Innes, to mak full compt and payment of the ſaid taxt: And in likewiſe, that all Schireffes, Proueſtes, and Baillies of Burrowes, and all vther officiares quhilks come not here, nor is preſent: That letters incontinent be written to them, chargeing them to raiſe, in-bring, and pay the ſaid taxt to ane ſchort day, or els that they be charged to enter their perſones in warde within the Caſtell of *Blackneſſe* within fifteene dayes, gif they failzie of the in-bringing and paying of the ſaid taxt, vnder the paines of Rebellion and putting of them to the horne, confiſcation and eſcheitting of all their proper guds to the Kingis vſe. And becauſe the Lordes vnderſtandis, that there is ſome parte of letters granted be the King to Spirituall Lordes and Prelates, and als to Temporall Lordes, and to Barrones, of diſcharge of part of the ſaid taxt, the quhilk the ſaids Lordes conſidders and vnderſtands, the King micht not diſcharge, ſen it was granted be the ſaid Eſtaites to the ſaid Embaſſadour, and for the cauſe foreſaid: Therefore the ſaidis letters of diſcharge to be na defaiſance to them. And that na ſik letters haue ſtrength, force, nor effect. And that letters of diſcharge be maid vnder the privie ſeale, and ſend to the Ordinaries and Schireffes therevpon.

10 Of the Kingis Revocation and in-bringing of his propertie of his ſervandes fees.

ITEM, Touching the Article of the Kingis propertie, for the honorable ſuſtentation and halding of his houſe, according to his eſtaite and honour, quhilk may not be failzied, without great derogation of his Noble Eſtaite: It is conſidered be the ſaidis Lordes of Articles, that ſen all the Lordes Spirituall and Temporall, and vtheris his true lieges, ſuld abone all ſingular and particular profite, deſire to prefer the Noble eſtaite of his excellence, like as it was done in the time of his maiſt Noble Progenitoures of gud minde: Herefore it is thought expedient, neidful

neidfull and reaſonable,and als ſtatute and ordained in this preſent Parliament,That full derogation, caſſation, and annullation be maid of all giftes, donations, infeftments,fewes,life-rentes, given be his hieneſſe to quhatſumeuer perſon or perſones,ſen the day of his Coronation: Swa that all landes,rentes,cuſtomes,burrow-mailles,fermes,martes,mutton, pultrie,auarage,carriage, and vther dewties, that were in the handes of his Progenitours and Father, quhome God aſſoilzie,the day of his deceaſe: Notwithſtanding quhat-ſum-euer aſſignation or gift be maid therevpon vnder the great ſeale,privie ſeale,or vthers,be alluterly caſſed and annulled: Swa that the haill profites and rentes thereof, may cum to our Soveraine Lord, to the honorable ſuſtentation of his houſe and Noble eſtaite, as ſaid is: And quhair there is ony fees or dewties to be given to Officiares, Wardens, and vtheris ſik-like, as had fee in his Fathers and Grandſchirs times, that the ſamin fees be payed to them in money,be the handes of the Receivers, and Comptrollers. And that they take na dewties of the Kingis proper landes for na aſſignation maid to them. And that all their landes, rentes, fermes abone written, remaine with the King in this kinde, quhill his age of twentie ane zeir, notwithſtanding ony gifts maid of befoir in the contrair.

11 For keiping of the dayes of trewes.

AND As tuitching the obſervation and keiping of the trewes taken with the King of ENGLAND, It is thoucht profitable be the ſaids Lordes of the Articles, that our Soveraine Lord cauſe his wardens and Lieu-tennents, that they obſerue and keepe dayes of trewes, als oft as it is neidful,for the obſervation of the ſaid trewes,induring the time of the ſamin: Swa that his Hienes and lieges haue ſiklike obſerved to them for the part of ENGLAND. And that the wardens hald their courtis, and puniſh treſpaſſours,for the gude of the cuntrie, and ſtanching of ſik treſpaſſoures.

12 Of the Kingis councell,and paſſing of ſignatours.

AND For the mair ſickernes, ſure ſupportation, and acceleration of Iuſtice, It is adviſed and ſene ſpeidful,that the ſaid councel now choſen in this preſent Parliament,be ſworne in the Kingis preſence and his three Eſtaites, to giue his Hienes a trew and afald counſell in all maters concerning his Majeſtie and his Realme. And ſall remaine of his Councell, quhill the time of the nixt Parliament. And to be reſponſall and accuſabill to the King and his Eſtaites of their counſell. And our Soveraine Lord hes humbled his Hienes to promit and grant in Parliament to abide and remaine at their counſells, quhill the next Parliament,as ſaid is. And till eſchew all circumuentiones and deceites, that hes bene done to the Kings Hienes be bringing of diuers ſignatoures of infeftments,donationes,giftes,conductes,and remiſſiones, and vther ſik letters hurtand and tuitchand the King in his caſualitie or propertie:

For

For the ſecluding of the ſamin, his hieneſſe hes granted and conſented be authoritie of this preſent Parliament: That na ſik giftes, ſignatoures, remiſſiones, reſpettes, conductes, and vtheris letters ſall paſſe in time to cum, without adviſe and conſent of the Lordes of the ſaid ſecreite counc l, And al ſik letters to be ſubſcrived be the king, & ſo mony of the ſaid councel, as ſalbe preſent for the time, to the number of ſex perſones at the feweſt, ſittand togidder in councell, the Chancellar beand ane. And gif ony ſik letters be given without their conſents in vther waies, That the ſaidis letters be of nane availe, force, nor effect, and to haue na ſtrength. And that the Chancellar, Privie ſeale, and Secretar, anſwere to nane vther letters, bot ſik as beis ſubſcrived, as ſaid is, with the ſaid lordes of Councell. And in likewiſe the King to be ruled and governed be their counſelles in the diſpoſitions and giving of his Treaſure, ſilver veſchel, cheinzies, jowelles, & vther abuilziements, perteining to his maiſt Noble perſon. And this maner of doing to be keiped and obſerved, quhill the time of the nixt Parliament.

13 *Of Gold-ſmithes.*

AS Touching the article of gold-ſmithes, quhilkis layis and makis fals mixture of evill mettel, corrupt and the fine mettell of gold and ſilver in the deceipt of our Soveraine Lord & his lieges, that garris make and woorke gold and ſilver, for the reformation and eſchewing of the ſamin: It is now adviſed and concluded, that na gold-ſmith ſall make mixture, nor put fals layis in the ſaid mettelles. And to haue knawledge of the fines of their warke, that ilk gold-ſmith haue ane ſpeciall marke, ſigne and taiken, to be put in his ſaid warke, quhilk he makis. And thay ſamin warkes to be of fines of the new warks of ſilver of *Bruges*. And that there be ane Deakon of the craft of gold-ſmithes, quhilk ſall examine the ſaid wark and fines thereof, and ſee that it be als gud as the ſaid wark of *Bruges*. And thereafter the ſamin Deakon to put his marke and ſigne on the ſaid wark, and to anſwer therevpon, vpon his liſe & guds. And as touching the warke of gold, that it be maid als fine, as it is firſt molten in preſence of the awner, like as the touch and aſſaie given to him, quhen it is firſt molten. And na war to be delivered in preſence of the Deakon: Swa that the Kingis lieges be not deceived, and that it keipe the ſaid fines, as ſaid is.

14 *Anent the ſailing of Merchands: Of Bulzieon.*

ANent the acte of ſailing of merchandes, quhilk hes bene maid of before, and that the ſamin acte be now in time to cum obſerved and keiped be the merchandes, and in likewiſe anent the inbringing of bulzieon, that the acte maid thereupon be given and keiped in ſcharpe execution. And that the Auditoures of the Checker, and all vthers in time to cum take compt of the in-bringing of bulzieon, ſen the time of our Soueraine Lorde, like as at mair length is conteined in vther actes maid there-

there-vpon. And that the ſaid compt be taken after the quantitie of the gudes, that is cumming hame. And anent the ſailing of the ſaid Merchandes, that the Proveſt, Aldermen, and Baillies of Burrowes make diligent ſearching and ſeeking of the ſaillers in Winter, fra *Alhallow mes*, till *Candil-mes*, and make the paines to be raiſed on the breakers thereof to the King, vnder the paine of ten pound to be raiſed of the Officiares, that beis negligent not puniſhand in their default.

15 *Anent cruves and fiſh zaires: Of the mid-ſtreame: The* Setter-daies *ſlop: Creilles and nettes: Read fiſh.*

ITEM, Anent cruves & fiſhzaires, quhilkis deſtroyis the fry of fiſh, and hurtis the commoun profite of the Realme: It is ordained, that the actes and ſtatures maid of befoir, be obſerved and keiped with this addition: That letters be written to all Schireffes, Baillies and Stewardes, to deſtroy, caſt-downe, and put away all the cruves within their bounds incontinent without delay. And that dittay be tane vpon them, that hes cruves in the contrair the ſaid acte. And to pay for ilk cruve fiue pound for amerciament in the Iuſtice aire, to be raiſed on the maker & vp-halder of the ſamin. And in likewiſe the Schireffe that failzies, to be in amerciament of twentie pound to the King in the Iuſtice aire, and to be a poynt of dittay, as ſaid is. And anent the cruves that ſtandis in freſhe waters, that they ſtand not in forbidden time. And let the mid-ſtreame be alway free, be the ſpace of fiue fute. And that the *Setter-daies* ſlop be obſerved and keiped, as the Acte and ſtatute maid be King *David* requiris. And that ilk heck of the ſaid cruves be fiue inche wide, according to the ſamin ſtatute. And as for millers, that ſettis creilles & nettes in dammes, milne-landes, and waters, deſtroyand read fiſh, and fry of fiſh, as ſaid is, ſalbe a poynt of dittay. And the paine baith of cauſer of creilles, nettes, and of the millers, ilk ane of them that dois in the contrair, to incur the vnlaw of read fiſh, and to be taken of them that dois in the contrair. And that letters be written, as ſaid is, to the Schireffs, Stewardes, and Baillies, to put this act to execution, and ſee that the ſamin be obſerved and keiped, vnder the paine of twentie pound, to be raiſed vpon the officiares that failzies, as ſaid is. And as touching the ſlauchter of read fiſh, that it be puniſhed after the forme of the ſtatute, declairand the vnlaw thereof, ten pound.

16 *Anent the free tennentes, that haldis of the Duke of* Rotheſay *and Steward of* Scotland.

ITEM, Anent the free tennentes, that haldis of the Prince, the Duke of *Rotheſay* and Steward of *Scotland*: The Lordes of the articles thinks it reaſonable, that all thay free tennentes ſalbe halden to compeir and anſwere in the Parliament and Iuſtice aires, with their ſuites and preſents

ſences,as effeiris, ay , and quhill our Soveraine Lorde haue ane Sonne, that ſuld be immediate betuixt the King and them,to anſwere for them in the ſaid Parliament and juſtice aires: And ſuit-rolles to be maid there vpon, quhilk ſall indure, quhill the Prince be borne.

17 Of the money.

ITEM, Anent the artickle of the money: It is thocht expedient be the Lords of the Artickles, that there be ane trew ſubſtantious man, maiſter of the cuinzie, quhilk ſall forge money, and cuinzie to ſerve the Kingis lieges. And that cuinzie ſalbe in this maner , that is for to ſay, a groate till haue courſe and gang for fourtene pennies,and ten of them to wey ane ounce,and to be of the ſamin fines, as the EDVVARDE groat of *England*,and that the ſaid cuinzieour ſal giue and pay for the ounce of brunt ſilver, elleven ſhillinges,ſex pennies, to be given, and for *Paris* ſilver,and the ſilver warke of *Bruges* ſiklike. And as for the ſilver warke of this Realme,quhilk is brocht to the cuinzie,that is not ſa fine,the ſaid cuinzieour ſall giue and deliver therefore the verry availe to the awner of the ſaid ſilver. And ſa-meikle as it is war then *Paris* warke, or ſilver warke of *Bruges*, to be defaulked and rebaited of the price of the ſaide ſilver. And gif the ſaid cuinzieour and the ſeller of the ſaid warke can not agrie of the price, that there ſalbe twa trewe goldſmiths, ſworn be their great aithes to ſee and examine the ſaid ſilver warke,and the valour thereof,and to declare quhat it is woorth ilk ounce : Of the quhilk modification and price, baith the cuinzieour, awner and ſeller of the ſaid ſilver,ſall ſtand content. And to haue knawledge that the ſaid cuinzie be keiped in weicht and fines with the ſaid EDVVARD groat, this ſaid cuinzieour ſal haue a ſigne & taiken maid in the prenting,havand difference fra the firſt cuinzie. And gif ony of the new groates be foundin war in weicht and fines,nor the EDVVARD groate , the cuinzieour to be puniſhed therefore,and tine his life and gudes. And that to be examined and ſeene at the nixt Parliament, and ſooner gif it pleaſis the King. And becauſe it is meaned to OVR SOVERAINE LORDE, that his gold and ſilver cuinzied in his Realme, is be ignorant perſones refuſed, quhen the ſaid gold or ſilver hes cracke or flaw,or be ſolded : It is ordained, that the ſaid gold and ſilver ſalbe receiued be all his lieges: Sa that it keip all the wecht, and be gud trew mettell, ſuppoſe it be with cracke or flaw,or ſolded,as ſaid is,in all times to cum.

18 Of vndooing of Caupes in Galloway.

ITEM, Becauſe it was meaned and complained be our Soveraine Lordis lieges dwelland in the boundes of *Galloway*,that certaine Gentlemen, heads of kin in *Galloway* hes vſed to take Caupes, of the quhilk tacke there,and exaction thereof,our SOVERAINE LORD,& his three Eſtaites knew na perfite nor reaſonable cauſe, for the quhilk his Hienes

Hienes be adviſe of the laſt Parliament,aſſigned,warned and charged al the perſones that claimed or alleaged to take, raiſe,or intromet with ony ſik action of Caupes,to cum to the nixt Parliament,and there oſtend and ſchaw quhat richt they haue to the taking of the ſamin. And nowe in this preſent Parliament, the ſaidis perſones making the ſaid claimes, hes bene oft times incalled for the oſtenſion and ſchawing of their richt, as ſaid is,& nane hes compeired nor ſchawin na richt,nor title of richts, to raiſe and take the ſaid Caupes. Herefore our Soveraine Lord,willing and being of intention, to ſeclude and put awaie all ſik abuſiones, evill vſe and extorſiones put on his people and lieges, but reaſonable cauſe. Be authoritie of his Parliament hes ordaned to be abuſed,& left the taking of the ſaid Caupes in all times to cum: And na man to take them of the Kingis lieges, vnder the paine to be puniſhed as for riefe, and ay in time to cum to be a poynt of dittay in the Iuſtice aire.

19 Of Caupes in Carrict.

ITEM, As touching the Caupes in *Carrict*, the Kingis Hieneſſe and his Eſtaites foreſaidis, thinkis expedient and concludis, that all they quhilkis claimes Caupes,be warned be open Proclamation to compeir in the nixt Parliament, bringand with them ſik evidents and richtes, as they will vſe for the taking of the ſaid Caupes, with certification and they do not,that our Soveraine Lorde, with adviſe of his three Eſtaites will annull all ſik thing, and will ordaine all ſik Caupes to be not taken in time to cum.

20 The proceſſe of recovering of annuall-rentes.

ALſwa it is thocht expedient be the Lordes of the Articles and Eſtaites,after the information and ſupplication maid be the Proveſt, Baillies, Councell and Communitie of *Perth*, deſiring of our Soveraine Lord, that the conſtitution and rule of the ſaid Burgh be conformed to the Kingis Lawes and conſuetude of the Burgh of *Edinburgh*,and lawe of Burgh, anent the recuperation and obteining of annuall-rentes in Burgh, in default of ſolution,and payment of the annualls aucht to the Lords ,awners and proprietares of the ſaid annualles: It is thocht expedient,that the Proceſs of the recovering of the ſaid annual at the Fourth Court,be obſerved and keiped in the Burgh of *Perth*, and vthers Burrowes in time to cum,as it is vſed in the Burgh of *Edinburgh*, according to the Law of Burgh, notwithſtanding ony vther vſe or conſuetude, that they haue had in the ſaid Burgh of lang proces and delay in times by-paſt.

21 The tennents of the Kingis propertie ſuld not be troubled.

ITEM,Becauſe it is vnderſtandin to the Lordes of the articles,the heauy complaints that hes oft times bene maid to the King and his Coun-

cell be his puir tennents, maillers, and inhabitants, his proper landes in divers partes of his Realme, that they ar greatly hurte and oppreſſed be Lordes and Gentlemen in the cuntrie dwelling beſide them, quhilkis hes na tack of our Soveraine Lord of thay landes, conſtreinzies, & compellis them to do ſervice, avarage, cariage, ſcheiring, leading, labouring, ryding and travelling be their powers and authorities: And for remeid hereof, It is now ſtatute and ordained, that na Lord, Barronne, Free-halder, Gentle-man, nor vthers compell, ony of the Kingis tennents, maillers, & inhabitants of his proper lands, to do them ony maner of ſervice be coaction, or dread, vnder the paine to be puniſhed as oppreſſoures of the Kingis lieges. And to be a poynt of dittaie in the juſtice aire.

22 Our Soveraine Lordis revocation.

ITEM, It is thocht expedient, becauſe there was ane ſtatute maid in our Soveraine Lordis Parliament, that was halden at *Edinburgh* on *Wedneſ-day*, the aucht daie of *October*, the zeir of GOD, ane thouſand, foure hundreth, foureſcoir aucht zeires, declairand all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-ferme landes maid of warde, to be of nane availe, after the ſecond day of *Februar* (quhilk was the day of our Soveraine Lords, that now is cumming furth of *Striviling*) vnto the coronation of our Soverain, that now is, maid be our SOVERAINE LORDIS Father that now is, of gude mind, to be of na force nor effect, for certaine cauſes conteined in the ſaid acte and ſtatute: That therefore all they, quhilkis gatte pretended giftes of alienations of heritages, lang-tackes, few-fermes, offices, tailzies, blanch-fearme landes, ſulde bring their letters and evidentes granted hereupon to our Soveraine Lord, within fourtie daies to be deſtroyed; certifieing them that bringis not, the King will make them to be ſpeciallie called, and puniſhed for their inobedience.

FINIS

THE

THE THRID PARLIAMENT OF KING IAMES the Fourth, halden the auchtenth day of Maij, the zeir of God, ane thouſand foure hundreth, ninetie ane zeires.

23 The alliance and confederation of France *to be confirmed.*



IT Is ordaned & concluded, that the alliance and confederation maid of before of auld and new, betuixt the Realmes of *France* & *Scotland*, the Kinges and Princes of the ſamin, be the adviſe, concluſion, and deliverance of the three Eſtaites be renewed, reformed, and interpreted in forme of the auld alliance, and confederation maid betuixt them and their Realmes and Lieges of befoir. And attour, to obteine and procure vthers new franchesſes and privileges, to the honoure and profite of our Soveraine Lord, his Realme and lieges, and to the gud of Merchandes, that our Soveraine Lordis lieges vſand thay partes, haue ſik freedome within the Realme of *France*, and boundes of the ſamin, like as the *French-men* hes within our Soveraine Lordis Realme and boundes. And quhair the ſamin privileges and freedomes ar not, nor hes not bene obſerved nor keiped in times by-gane, to require reformation of the ſamin, according to the forme of the ſaid alliance. And commiſſions to be maid in dew forme thereupon.

24 The forme of the Chancellarie ſuld not be altered.

ITEM, It is ſtatute and ordained, that na brieues nor vthers letters be given to na partie, bot after the forme of the brieues of the Chancellarie vſed in all times of before. And that the forme of the Chancellarie be keiped and obſerved without innouation or eiking of new termes. And gif onie beis given vtherwaies, that they be of na force nor effect, except the brieve of ſummoundes of errour.

25 The Wardatar ſall not deſtroy the Landes: he ſuld ſuſteine the minor.

ITEM, It is ſtatute and ordained, that quhair onie Land or landes happenis to fall in Waird to our Soverain Lord, or onie vther Barrone of this Realme, ſpirituall or Temporall, or landes given in conjunct-feftment, or life-rent alſweill to Burgh as to land, that the Schireffe of the Schire or Baillies ſall tak ſik-like ſovertie of the perſon or perſones, that gettis or hes ſik wairdes, that they ſall not waiſt nor deſtroy their biginges, Orchards, wooddes, ſtanks, parks, medowes, or dowcats, bot that they hald them in ſik-like kinde, as they are in the time, that he gettis and receivis the ſamin, he takand his reaſonabill ſuſtentation or vſing in neid full thinges without deſtruction or waiſting thereof. And ane reaſonabill living to be given to the ſuſtentation of the air, after the quantitie of the heritage, gif the ſaid air hes na blanche ferme, nor few-ferme land to ſuſteine him on, alſweil of the waird lands, that fallis in our Soveraine Lordis hands, as onie vther Barrone, Spirituall, or Temporall.

26 Of landes falland in waird or vtherwaies altered, that the tennentes ſall remaine theirwith, quhill the nixt Whit-ſondaie

ITEM, It is ſtatute and ordained, that quhen onie lands fallis in waird or quhen onie Ladie hauand terce or conjunct-feftment, happenis to deceis, or quhat land be redeemed or lowſed be reverſion, gift, ſelling, or wedſetting, or onie vther-waies landes happenis to be altered. The tennentes, labourers, and inhabitantes onie of the ſaid landes ſall remaine vnput fourth, or remooved, quhill the nixt terme of *Whit-ſunday* followand, payand to the Lord, that ſal enter to the ſaid landes the malles, and dewties aucht and wont of the ſaid landes, quhilk bruiking ſall induce na poſſeſſion langer, then the ſaid *Whit-ſonday*.

27 Anent finding of law-borrowes

ITEM, it is adviſed, ſtatute, and ordaned, for the eſchewing of ſlauchter fore-thought fellonie, and debait, that ſal happen betuixt onie perſons in time to cum, be complaint maid to our Soveraine Lord, his Chancellar, or Iuſtice, that the Chancellar or Preſident beand for the time, with

adviſe

adviſe of the Councell and Iuſtice, with adviſe of his aſſeſſoures ſall put-quhat paine of ſumme of money, that they think expedient, the parties and their actiones beand conſiddered, that the partie compleinzieand ſalbe harmeles and skaithles in his perſon or gudes, but fraude or guile vtherwaies then law will. And quhat Iudge or Iudges that takis this ſovertie, that they act the ſamin, or put in remembrance in their buik, that it may be ſchawin to out Soveraine Lord and his Councell, And ſiklike paines to be put in ſlauchter, rebellion, and vther crimes.

28 Anent man-ſlayers taken, or fugitiue: And of Demembration

ITEM, It is ſtatute, that quhair ony man happenis to be ſlaine or demẽbred within the realm, alſweil within regalitie, as within royaltie, and in Burgh, as to land: Then incontinent without delay, als haſtelie, as the Schireffe or Steward, Baillie or officiar of Regalitie can be certified thereof, outher be partie compleinzieand, or ony vther way, he ſal paſſe and perſew the ſlayers or demembrers, ane or maa, and raiſe the Kings horne on him, and raiſe the cuntrie incontinent in ſupport, quhill he be ouer-tane. And gif he may be gotten, he ſall incontinent bring him to the King or his Iuſtice, or els keip him in ſicker ſuretie, quhil the King be certified of him, & haue anſwere, quhat he ſal do thereto be our Soveraine Lord or his Iuſtice at his will, or how ſoone it pleaſeth him, notwithſtanding the fourtie daies, or the three ſunnes conteined in the auld Lawes: The partie follow and beand preſent or warned to be there, gif he will perſew the action. And gif it happenis the ſaidis treſpaſſors til eſchew out of the Schireffedome vnarreiſted or taken, then the Schireffe ſal write or ſend ane of his Officiars to the Schireff of the nixt Schirefdome, & certifie him of ſik men that hes done ſik fellonie againſt the King, and ar fugitiue fra the Lawes. And then ſall he firſt perſew him or them out-throw the Schireffedome in the ſamin maner, as the other did of before without delay. And ſwa foorth fra Schireffe to Schireffe, quhill he be ouer-tane, or put out of the Realme. And gif he happenis to flie in the Regalitie out of the Royaltie: The Schireffe ſall incontinent certifie the Lorde of the Regalitie, his Stewarde or Baillie, the quhilk ſall perſew the treſpaſſoures in like maner, as the Schireffe dois, as is before ſaid. And quhair euer he happenis to be ouer-tane, that the Schireffe, Stewarde, or Baillies of the Regalities ſall incontinent ſende him to the Schireffe or Baillie of the nixt Schireffedome, quhilk ſal receiue him, and ſend him to the nixt Schireff. And ſa foorth fra Schireff to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deed was done. And there ſal juſtice be continent done, as is beforeſaid. And gif it be fore-thought-fellonie to die therefore. And gif the ſaidis Schireffes or Officiares beis foundin culpable herein, and he haue the Office of heritage, he ſall tine it for three zeires. And gif he hes it for termes, to tine it for euer mair. And to abide and vnderly ane aſſiſe, quhidder he be culpable or not.

29 That Iuſtice aires be halden twiſe in the zeir.

ITEM, It is ſtatute and ordaned for the ſtanching of cummers, ſlaughters, rieſes, thiefts, extorſions and oppreſſiones of our Soveraine Lordis lieges: That therefore his aires be ſet and halden twiſe in the zeir, that is to ſay, anis on the corne, and anis on the graſſe: Sa that Iuſtice may be vniverſally execute throw the Realme, for the punition of the ſaidis crimes. And quhair it ſalbe ſeene ſpeedefull, that our Soverain Lord moue his maiſt Noble perſon thereto. And quhair it is not neceſſare, that our Soveraine Lords perſon moue, that be adviſe of his Councell, he ſend ſik-like perſones, as ſalbe ſeene ſpeedefull for the time, and the countrie that they paſſe to. And that all our Soveraine Lordis lieges reddelie anſwere, riſe, and cum to them in fortificing of juſtice, as they ſalbe charged be the juſtice, vnder the paine to be puniſhed as favorers of the ſaid treſpaſſoures, and airt and part thereof, and dittay to be tane there vpon, and to be a poynt of dittay intime to-cum.

30 Of the defender nocht compeirand. The Schireffe and vther Iudges ſuld execute all decreetes.

ITEM, It is ſtatute and ordaned, that quhair ony partie hes action and ſummoundes againſt vthers, and the defendour compeir not in proper perſon, or be his procuratoures, he ſal pay the coiſtes and skaithes of the partie compeirand, and ane vnlaw of fourtie ſhillings to the Iudge, within twentie daies after the decreet of the deliuerance be given there vpon, or they be heard in judgment: And failzieand thereof, that letters be written to the Schireffe of the Schire, Steward, or Baillie in Burgh, or to land, for the execution of the ſaid decreete, and to haue for his office and fees, twelue pennies of ilk pounde ſa recovered, to be taken of the partie that the ſaid decreete is given againſt. And gif it happenis ony of the ſaidis Schireffes and officiares to failzie in their offices, not makand the parties to be payed, after the forme of the Kingis letters, within twentie daies, of ſik a ſumme, as beis decreeted and recovered, as ſaid is: Quhat Schireffe or ony vther officiar that beis negligent, as is foreſaid, and makis not dew execution of the ſaidis decreetes, after the forme of the letters and decreetes, cummand to them thereupon, he that hes the office in charge, ſall tine the ſamin for three zeires, and he that hes the ſamin in life-rent, ſall tine it for ever-mair. And the coiſtes and skaithes of the partie, the Schireffe or officiar to be debtour therefore, and raiſe it vpon him or them, togidder with the principal ſumme that is recovered, And in likewiſe the Proveſtes and Baillies of Burrowes, to be ſecluded fra their offices for euer mair, and to be debtour & pay the ſaid ſumme with coiſtes and expenſes, as ſaid is.

31 Of weapon-ſchawinges.

ITEM, It is ſtatute and ordained, that ilk Schireffe, Steward, or Baillie of the Realme gar weapon-ſchawinges be maid four times in the zeir in all places convenient within his Baillierie, in this wiſe: That ilk Gentle-man, havand ten pounds woorth of land or mair, be ſufficiently harniſhed and anarmed with baſnet, ſellat, quhite-hat, gorget, or piſſane, haill legge-harnes, ſword, ſpeare and dagger: and gentlemen havand les extent of lands or vnlanded, ſalbe armed at their gudlie power, after the ſight and diſcretion of the Schireffes and Baillies, and ſik perſones as our Soveraine Lord ſall depute Commiſſioners thereto, and honeſt zeamen hauand ſufficient power, that likis to be men of armes, to be harniſhed ſufficientlie, after the diſcretion of the ſaidis Schireffes and Commiſſioners, and all vther zeamen of the Realme, betuixt ſextie and ſextene ſall haue ſufficient bows & ſchiewes, ſword, buckler, knife, ſpeare, or ane gud axe in ſtead of ane bow. And that all Burgeſſes and indwellers in Burrowes of the Realme, in like maner be anarmed, and harniſhed, and mak weapon-ſchawinges, as ſaid is, foure times in the zeir. And that the Aldermen & Baillies be corrected be the Chalmerlane or his deputes, for the execution of the ſaid thinges. And that all men of the Realme baith to Burgh and to Lande, Spirituall mennis ſervandes, and Temporall, be weill purvaied of the ſaide harnes and weapones be the feaſte of *Midſommer* nixt-to-cum, quhilk ſalbe the day of weapon-ſchawings, vnder the paines followand, that is to ſay, of ilk Gentleman that defaults at the firſt weapon-ſchawinges, fourtie ſhillinges, and at the ſecond default vther fourtie, and at the thrid default, ten pound. And als meikle als oft times as he defaultis thereafter. And of ilk bow-man at the firſt fault ten ſhillinges, at the ſecond ten ſhillinges, and at the thrid, fourtie ſhillinges. And ſa foorth als oft times as he beis foundin faltiſe thereafter, fourtie ſhillinges. And after the facultie of their landes and gudes, that everie man be furniſhed & harniſhed in his bodie with quhit harnes brigantines, or gud jacks, with ſplentes and glooves of plait and weil horſed correſpondand to their lands and gudes, be the diſcretion of the Schireffe, Commiſſioner or Officiar foreſaid.

32 Fute-ball and golfe forbidden.

ITEM, It is ſtatute and ordained that in na place of the Realme there be vſed fute-ball, golfe, or vther ſik vnprofitable ſportes, for the commoun gud of the Realme & defenſe thereof. And that bowes and ſchutting be hanted, and bow-markes maid therefore ordained in ilk parochin, vnder the paine of fourtie ſhillinges to be raiſed be the Schireffe and Baillies foreſaid. And of ilk Parochin ilk zeir, quhair it beis foundin, that bow-markes beis not maid, nor ſchutting hanted, as is beforeſaid.

33 Of

33 Of mettes, meaſures and wechtes.

ITEM, It is ſtatute and ordained, for the commoun gud of the realme, honour and profite of our Soveraine Lordis lieges, that the auld ſtatutes and ordinances maid of befoir, baith to Burgh and to land, alſweil of mettes and meaſures, cuſtomes and vthers, be obſerved and keiped, after the tenour and forme of the actes and ſtatutes maid therevpon, and vnder the paines conteined in the ſamin. And that the Chalmerlanes provide, that this be obſerved and keiped, and ſpecially of weichtes, alſweill of walx and ſpice, and ſextene ounce of the pound.

34 Of convocation and gaddering in Burrowes.

ITEM, It is ſtatute and ordained, that within all Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit convocation, nor riſing of commouns in hindring of the commoun Law, bot at the command of their head officiares: And gif ony dois in the contrair, & knawledge or taint may be gotten thereof, their gudes to be confiſcat to the King, and their liues to be at the Kingis will. And that na man dwelland within the Burgh be foundin in man-rent, nor ride in na rowt in fear of weir with na man, bot with the King or his Officiares, or ſiklike, vnder the ſamin paine. And als that na indweller within Burgh purchaſe ony out-lordſhip, or maſter-ſhip to landwart, to rowt nor ride, to pley at bar, or ony vther way in the oppreſſion of his nichtbour, bot ſoberly nichtbour to nichtbour, vnder the ſame paine. And that every man dwelland within Burgh, anſwere and obey to the Officiares of the ſamin, as ſaid is, quhen, and in quhat wiſe they ſalbe charged be the ſaidis Officiares, in defenſe of the Realme and lieges, and for the commoun gud and weilfare of the Burgh, in the adminiſtration of Iuſtice and law, vnder the paine foreſaid. And that the Iuſtice Clerke zeirly, in the taking of the dittay, inquire vpon the ſaid poyntes, and the breakers thereof to be puniſhed be the Iuſtice as vther crimes, after the forme of the ſaid act.

35 The defender in the ſummoundes of errour, ſuld be warned with certification: The perſewer nocht perſewand may be vnlawed.

ITEM, It is ſtatute and ordained, anent the briefe of ſummoundes of errour, and for the declaration of the ſamin, that quhat perſon obteined ſummoundes of errour vpon a judge of inqueſt, or perſones that paſt therevpon: that the partie be called for his intereſt to compeir to an certaine day, with certification, that quhidder they compeir or not, the Lordes will proceede after the forme of the ſummoundes, and do Iuſtice to the partie, not abidand the ſecond nor thrid ſummoundes, declaring that all perſones that paſſis vpon ſik inqueſts compeir perſonnally: Becauſe it may depend vpon their infamies. And quhair ony perſon callis vther at his inſtance, and compeiris not to follow his partie, he ſall pay the expenſes of his partie, and ane vnlaw of fourtie ſhillinges to the

the Lordes,alſweill in ſummoundes of errour, as in vther ſummoundes, or he be heard in judgement,to follow his partie thereafter,and to abide the decreete to be given therevpon.

36 How the commoun gud of Burrowes ſuld be ſpended and ſet till vthers

ITEM, It is ſtatute and ordained anent the commoun gud of all our Soveraine Lordis Burrowes within the Realme, that the ſaid commoun gude be obſerved and keiped to the commoun profite of the towne,and to be ſpended in commoun and neceſſarie thinges of the Burgh, be the adviſe and councell of the towne for the time, and Deakons of craftes quhair they are. And inquiſition zeirly to be taken in the Chalmerlane aire of expenſes and diſpoſition of the ſamin. And attour, that the rentes of the Burrowes, as landes, fiſhinges, fermes, mailles, milnes, and waters, zeirly revenues be not ſet,bot for three zeires allanerly. And gif ony happenis to be ſet vtherwaies,that they be of nane availe,force nor effect in time to cum.

37 Of refuſing of gold that is cracked.

ITEM, It is ſtatute and ordained,that becauſe it was ſtatute in the laſt Parliament: That all gold that held wecht and fines ſulde be tane in payment, and notwithſtanding the ſtatute foreſaid, they refuſe to take gold that is cracked: That therefore it is ſtatute and ordained, that al ſik gold be taken without refuſe,and quha ſa dois in the contrair, ſall tine the availe of the penny be him refuſed,in this wiſe: That quhair the ſaid gold beis given for debtes,the refuſer ſal tine the penny be him refuſed, and that ſalbe ane ſufficient acquittance to the profferer of the ſaid debt And gif it be given for gudes to be bocht, the refuſer ſall tine the availe of the penny,that he refuſed for the ſaid gudes.

FINIS.

THE

THE FOVRTH PARLIAMENT OF KING IAMES the Fourth, halden at Edinburgh, the twentie ſex day of *Iune*, the zeire of God, ane thouſand, foure *hundreth, ninetie three* zeires.

38 That beneficcs of auld, vſed to be diſponed within the Realme, be diſponed within the ſamin.



ITEM, Anent the benefices Religious and Secular, quhilkis paſſis now to the court of *Rome*, and were diſponed in the Realme be elections, and vtherwaies, in the time of King *Iames* the Firſt, of maiſt Noble minde: That all Prelacies, Abbacies, Priories, & vther benefices remaine and be diſponed in all times to-cum, within the realm, lik as they wer in the time of the ſaid king *Iames* the Firſt. And that na perſones attempt to doe in the contrair, vnder the paine of proſcription and baniſhing, and never to bruik honour, dignities nor benefices within the Realme of *Scotland*.

39 Of taxation of Benefices to be maid after the auld taxation.

ITEM, Becauſe there is ane notable act maid be our Soveraine Lordis Father, quhom God aſſoilzie, that nane of his lieges of his Realme, Spirituall nor Temporall, make, nor cauſe to be maid higher taxation of Prelacies, Abbacies, or vther benefices quhatſumeuer, at the getting of promo-

promotions and contentions for promotions in the court of *Rome*, bot after the auld taxation, as is conteined in the buike of *Bagimontis* taxt, and na higher: Therefore conformand to the ſaid acte: It is ſtatute and ordained in this preſent Parliament, that gif ony Spirituall perſon labouris or attempts in the contrair of this act, they beand knawin to our Soveraine Lord and his councell, that perſon Spirituall, ſalbe vnable to bruik that benefice, or ony vther within the Realme of *Scotland*, and not to be diſpenſed with the bruiking of benefices: And Temporall men that dois in the contrair, to tine their life and gudes.

40 The trouble of the money and it becracked.

ITEM, Anent the trouble and debait, that is amangſt our Soveraine Lordis lieges, of the refuſing of the money, for the crackes and flawes being in the gold, or the ſilver, quhilk is ſufficient of fines, and of our Soveraine Lordis prent, and for the diverſitie of divers cuinzies of ſilver, ſtricken be diverſe cuinzieours, the ſaid ſilver and groates beand ſufficient of fines, bearand prent of our Soveraine Lordis ſtraik: IT Is be the adviſe of the Lordes of the Artickles charged and commanded be our Soveraine Lorde, and the Eſtaites of the Parliament, that all the Kingis lieges of his Realme, but impediment receiue and take the ſaid money, gold and ſilver, as ſaid is, for ony merchandice or victualles, or vther thing being to ſell: Notwithſtanding, the diverſitie of prentes of the ſtraike of ſindrie cuinzieoures, alſweill the ſtraike of *Gilbert Fiſh*, quhilk the commoun people callis *Berwick*-groates, as of vmquhile *Levingtoun*, and *Iohn Currour*: And gif ony perſon or perſones refuſis the ſamin, contrair the ſtatutes maid therevpon, in the laſt Parliament: The haver of the ſaid money, ſall cum to the Officiares or Baillies of the towne, and ſchaw the ſaid money, quhilk beand gud and ſufficient, the ſaid Officiares ſall gar him haue the merchandice or penny-woorthes fra the perſon, that refuſis the ſaid money: And ſa-meikle of gude money as he refuſis, the ſeller ſall tine to be the Kingis eſcheit, and deliver the penny-woorthes to the byer: And gif the money that was offered, gold or ſilver be falſe cuinzie and evill ſtuffe, ſene and vnderſtandin be the officiares of the towne, be the adviſe of the men, havand knawledge of the money, the ſaidis officiares ſall clip and breake the ſaid falſe money and cuinzie of evill ſtuffe, gold and ſiluer: Swa that it make na mair trouble nor diſ-friendſhip amangſt the Kings lieges, and deliver the ſamin clipped money againe to the awner.

41 That ſtrangers merchandes, that cummis with Schippes, cum to the principall towne: They ſuld pay cuſtome, and carry na money away.

ITEM, It is adviſed be the Lordes of the Artickles, that for the defraud done to our Soveraine Lorde in his cuſtomes be ſtrangers, and alienares of vther Realmes, quhilkis cummis to this Realme, and takis their

ludging and Innes in the Towne of *Leith*, and at vther Portes of the Realme, and chargis their gudes to the Sea, and vthers their merchandice, not pay and their cuſtomes and dewties to our Soveraine Lord, in that wiſe, that their gudes ar vn-entred, as effeiris, nor their Merchandice ſchawen to the cuſtomers, and Clerkes of the Cockquet: It is ſtatute and ordaned, that in time to-cum, quhen ony Schip of alienares, or ſtrangers of vther Realmes, cummis to the Haven of *Leith*, or ony vther Porte within the Realme: The maiſter or merchandes of the ſaide Schip ſall take his ludging and Innes in the principall towne of the ſaid Porte, and enter their gudes, as effeiris. And to charge na gudes nor Merchandice to the Sea, quhill it be ſeene be the cuſtomers and Clerks of the Cockquet, quhat gudes and Merchandice they ſend to the Sea, and the cuſtomes and dewties payed therefore: And the hoaſt of the Innes quhair the ſaid ſtrangers ar ludged, ſall anſwere to the King for their cuſtomes and dewties, gif the ſaid ſtrangers paſſis away vn-cuſtomed: And the ſaid hoaſt ſall giue compt to the Kingis officiares and cuſtomers, quhat guds he hes foorth, effeiring to the quantitie of the guds that he entered: Sa that it ſalbe clearely vnderſtandin, that he haue away merchandice, and na money. And gif ony beis foundin breaking this ſtatute, takand the money away, all the ſaid money and his vther gudes, ſalbe the burgeſſes eſcheit. And that the Kingis Hieneſſe depute ſearchoures thereto, quhilkis ſal ſearche the ſamin, as they will ſtand therefore to his Hieneſſe, and his Eſtaites.

42 That na Cordoner, nor vther Crafteſ-man, take na cuſtomes of vther

ITEM, It is thocht expedient, becauſe it is clearely vnderſtandin, that the crafteſ-men of Burrowes, ſik as Cordoners and vthers, takis of men of the ſamin craft, cummand to the mercat on *Mononday*, a penny of ilk man, quhilk is the cauſe of dearth, and exalting of their pennyworthes, ſik as ſchoone was wont to be ſauld for twelue pennies, or better cheape, and vther Merchandice, that is exalted for a penny, to ſex, or aucht pennies, quhilk is great skaith to the commoun profit: That therefore na maner of Crafteſ-man, nor Cordoner, take ony maner of taxation, penny, nor vther, then was woont to be taken of the auld Lawe. And quha ſa dois in the contrair, ſalbe repute as ane oppreſſour of the Kingis lieges, and to be indicted therefore: And the Clerk of the Iuſtice aire, to take dittay there-vpon. Sa that he that is breaker thereof, ſall bye his life therefore, as for commoun oppreſſion.

43 Putting downe of Deakons of craftes, and that na Maiſones nor Wrichtes take payment for Halie-daies.

ITEM, Becauſe it is clearely vnderſtandin to the Kingis Hieneſſe, and his three Eſtaites, that the vſing of Deakons of men of crafte in Burrowes is richt dangerous, and as they vſe the ſamin, may be the cauſe of

ofgreat trouble in Burrowes, and convocation and riſing of the Kingis lieges, be ſtatutes making, contrair the commoun profite, and for their ſingular profite and availe, quhilk ſervis great punition, and als belang- and Maiſons & vther men of craft, that conveenis togidder, and makis rule of their craft, ſik as Maiſons, and Wrichtes, and vthers, that they ſall haue their fee alſweill on the Halie-day, as for the wark-day, or elſe they ſall not woorke: And als that quhat perſon of them, that wauld begin ane vther mannis warke, and he at his pleaſure will leaue the ſaid warke, and then nane of the ſaid craft dare not compleit, nor fulfill the ſamin warke: It is herefore adviſed, ſtatute and ordained, that all ſik Deakons ſall ceaſe for ane zeir, and haue nane vther power, bot alkanerly to examine the fines of the ſtuffe and warke, that beis wrocht, with the remanent of his craft: And als belangand Maiſons, Wrichtes, and vther men of craft, that ſtatutis, that they ſall haue fee alſweill for the halie-daie, as for the wark-day: That all the makers and vſers of the ſaid ſtatutes, ſalbe indicted, as commoun oppreſſours of the Kings lieges be their ſtatutes. And that the Clerke of the Iuſticiarie, ſall take dittay there-vpon, and they to be puniſhed as oppreſſoures: And in likewiſe, of the makers of the ſtatutes, that quhair ony beginnis ane mannis warke, ane vther ſall not ende it: That all the makers and vſers thereof, ſalbe puniſhed as oppreſſoures of the Kingis lieges, and dittay to be taken therevpon, as is abone written.

44 Anent the taking of multure of flowre, that cummis furth of vther landes.

ITEM, Anent the complaint maid vpon the taking of multure of the flowre, that cummis furth of vther landes to the Porte and Haven of *Leith*: It is thocht expedient, adviſed, and ordained, that all ſik ſtatutes ſall ceaſe vnto the nixt Parliament: And that there be na multure taken for ſik flowre in times to-cum, nor of the flowre that cummis to the mercat, bot that it may cum to the mercat, and be ſauld with multure, or ony vther new taxation, that was vſed to be taken of befoir: And that all men be free to bring and ſell victual, al the daies of the oulke, alſweill as on the mercat-day: And this acte to be obſerved and keiped in all Burrowes of the Realme.

45 That the Iuſtice-Clerke take foorth all the ſtatutes, that hes paine of dittay.

ITEM, Becauſe there is mony diverſe ſtatutes, quhilkis hes in the end of them the paine of dittay, & hes not bene in time by-gane clearely ſpeared at the indictmentes taking, as they ſulde haue bene, throw the quhilk diverſe perſones, that hes broken the ſaid ſtatutes, hes not bene puniſhed: IT IS Adviſed, ſtatute, and ordained, that the Clerke of the Iuſtitiarie, take foorth of the Kingis ſtatutes, all thay ſtatutes, that hes paine of dittay in the ende, and make the ſamin to be inquired at the Dittay taking vpon everie poynt: Swa that the treſpaſſoures and breakers of the ſtatutes, may be puniſhed in everie Schire, according

to Iuſtice: And to the effect of the ſamin ſtatutes broken. And this to be done incontinent, or the Proclamation of ony Iuſtice aires.

46 That na Cuſtomers take na mair taxation then is ſtatute: Of falſe weichtes

ITEM, It is ſtatute and ordained, that na Cuſtomers within Burgh take na mair taxations, cuſtomes, or dewties, then is ſtatute & vſed in the auld Law: And quha that dois in the contrair, to be puniſhed as ane oppreſſour and breaker of the Kingis Law, and dittay to be tane thereof.

47 Falſe meaſures

AND In likewiſe, they that vſis falſe meaſures and weichtes, deceivand the people, to be indicted as falſares. And dittay to be taken thereof be the Iuſtice Clerke.

48 Of Mure-burne.

ITEM, Becauſe it hes bene ſtatute of before, that ſetters of Mure-burne ſuld pay ane vnlaw to the King, & becauſe it is clearely vnderſtandin, that the puir bodies that dwellis in maillinges, and ar bot ſervandes to their maiſters, that awe the maillinges, and dois it for their command: THAT Therefore it is ſtatute and ordained, that he that awe the mailling, be reaſon that he commanded that to be done in forbidden time, ſall pay ane vnlaw to the King of fourtie ſhillinges. And dittay to be taken vpon them baith therevpon, and the perſones that dois the ſamin, to pay ane vther vnlaw.

49 Anent the making of Schippes and Buſches, In the quhilk all idle-men ſuld labour.

ITEM, Anent the greate innumerable riches, that is tinte in fault of Schippes and buſches to be diſponed for fiſhing, ſik-like as vtheris Realmes hes, that ar marchand with the Sea, and for the policie and conqueſt, that may be had here-intil, & to cauſe idle-men, Vavengeours to labour for their living, for the eſchewing of vices and idleneſſe, and for the commoun profite and vniverſall weill of the Realme: IT IS thocht expedient be the Lordes of the Artickles, and als ſtatute and ordained in this preſent Parliament, that there be Schippes and Buſches maid in all Burrowes and townes within the Realme, and that the leaſte of the ſaid Schippes and buſches be of twentie tun. And that the townes and Burrowes haue the ſaid Schippes and Buſches, according to the ſubſtãce of ilk town, and to the number as after followis, weil abuilzied with all neceſſarie graith for the ſaid Schippes and Buſches, & with marriners, nettes, and vthe graith convenient for ther taking of great fiſh, & ſmall. And all the ſaid Schippes and buſches to be reddie maid & furniſhed to pas to fiſhing be *Faſtrenſ-euen* nixt to-cum. And in ilk burgh of the Royaltie, that the officiares of the burgh make al the ſtarke idle-men within their boundes to paſſe with the ſaid Schippes for their wages.

And

And gif the ſaide idle-men refuſis to paſſe, that they baniſh them the Burgh. And into Burgh of Barronnes, quhilk ar neare vpon the Sea, that the Schireffe of the Schire compell the idle-men within his boundes to paſſe to the ſaid Schippes for their wages. And gif they refuſe, in likewiſe to baniſh them his Schire. And gif the officiares of the Burrowes, or Schireffes of the Schires beis foundin negligent, outher in the putting foorth of the ſaid Schippes and buſches, or compelling the ſaid idle men to paſſe in them for their wages, or baniſhing of them off their burrowes or Schires: Gif they refuſe, as ſaid is, they ſall pay to the King an vplaw of twentie pound ilk ane of them, that is to ſay, the officiar of the Burgh for the time, and the Schireffe of the Schire. For the quhilk they ſalbe charged in the Checker, and giue compt thereupon.

50 Of giftes and alienations maid be our Soveraine Lordis Father.

ITEM, It is ſtatute, concluded, and ordaned in this preſent Parliament be the haill three Eſtaites: That becauſe they haue adviſed, conſiddered, and vnderſtandin, that our Soverain Lord that laſt deceaſed, quhom GOD aſſoilzie, beand the time commoved and diſpleaſed, throw evill counſell that was about him, in the time a little before his deceaſe, annalied, and put awaie baith of his awin lands and poſſeſſions, perteining to his Hieneſſe in properţie, and als againſt juſtice and gud conſcience, received and tooke reſignations of divers landes, and gaue infeftmentes in exheredation and diſheriſhing of richteous aires, be the ſolliſtation and perſwaſion of the evill counſell that was about him, as ſaid is, without ony reaſonable cauſe, to the diſpleaſure of God, contrair juſtice, and to the hurte of the ſaule: THAT Therefore all the ſaidis donations, and infeftmentes, maid and given be him, fra the ſecond day of *September*, in the zeir of God, ane thouſand, foure hundreth, foure-ſcoir ſeven zeires, to the day of his deceaſe, ſall be of nane availe, force, nor effect in time to cum, bot at our Soveraine Lordis hieneſſe, that now is, ſalbe reſtored and re-integrat to all landes, rentes, poſſeſſiones, that was be ony maner of way annalied, and given be his Father, to quhat-ſum-euer perſones within the ſaid time. And in likewiſe, that all reſignations received bee him, and infeftmentes, that he gaue, to the exheredation and diſheriſhing and putting of ony lands and poſſeſſiones fra the richteous aires, ſalbe of nane availe, force, nor effect, in time to cum: Bot that our Soveraine Lord, and all vthers perſones, that was hurte within the ſaid time, ſalbe, and is be vertew of this acte reſtored *in integrum*, to all richtes, as they were of before the ſaid daie. And caſſis and annullis all donations, gifts and infeftmentes, maid after the reſignations within the ſaid time, and decernis them to be of nane availe, force, nor effect in judgemente, nor without in time to cum.

51 That aires may revoke at their lauchfull age, and of our Soveraine Lordis revocation.

ITEM, Sen it is leaved and permitted be the conſtitutions & ordinances of lawes Civill and Cannon, that perſons conſtitute in zouthead and tenderage, quhilks ar greatly damnaged & skaithed in their heritages, be imprudent alienations, donations, venditions, and permutations of the ſamin, may at their perfection of age make revocation, and reduction of thinges done prejudiciall to them in their minorities and tender age:

The Kingis Revocation.

HEREFORE We IAMES be the grace of God King of *Scottes*, clearely vnderſtanding that part of alienations, donations, and giftes of our heritages of our Realme, was maid be our Progenitoures of gude memorie, quhom God aſſoilzie: And part in likewiſe be vs in our zouthead & vnperfite age, in hurte and prejudice of the Crowne of *Scotland*: And in likewiſe, that in the time of our Coronation & taking of the Scepter of our Realme, We promitted and ſwore vpon the haly Evangelles of our Lord IESVS our Saveour, that we ſuld obſerve & keip the richt, honour, prehemipence, & priviledges in lands, rentes, poſſeſſiones, dewties, and vther thinges thereto perteining, as is mair expreſſely ſchawin in the Law of halie Kirke: And als ſen it is ſene richt profitable to the Eſtaites of our Realme, that we haue landes, lordſhipps, and poſſeſſiones, to the honourable ſuſtentation and vp-halding of our dignitie royall: And als that we haue power, faculti̇e, and ſubſtance, to the defenſe of our lieges and Realme, quhilkis lyis on dry Bordoures to *England*, rhat hes bene our enemies of auld: And for thir conſiderations and vthers in the time of this our preſent Parliament, be the adviſe and counſell of the Eſtaites being in the ſamin:

The Kingis annexed property

VVE Revoke, reducis, caſſis, and annullis, all infoftmentes, donations, alienations, and diſpoſitiones be ony maner of way, in fee or franck-tenement of the lands, Lordſhippes, cuſtomes, annualles, fiſhinges, and burrow-mailes annexed to the Crowne, or ony parte of them, alſwell given be our father, as be vs to ony perſon or perſones to be reduced againe to vs, and our Crowne, be vertew of the act & ſtatute maid of the annexationes, and after the forme of the ſamin.

The principalitie.

Alſwa, we revoke in likewiſe all alienations maid of ony heritage annexed to the Prince, ſecond perſon of the Realme.

ITEM, In likewiſe, we revoke, caſſis, and annullis all donations, alienations, few-fermes, and giftes quhat-ſum-euer in life-rent, or vtherwaies, maid in our none-age of the landes, cuſtomes, or annual-rentes,

or

or ony vther revenues, that our Father had in his poſſeſſion, the time of his deceaſe, giftes of offices for termes, as Chalmerlanrie, Baillierie, cuſtomary, or clerk of Cockquet, maid for maazeirs, bot fra the ta checker, to the compt be maid in the nixt Checker following, with aſſedation, and tackes maid of our landes for lang termes. *The propri etie and officiars ther of.*

IN Likewiſe we revoke, and caſſis all tailzies maid fra the aires generall, to the aires maill of ony landes in our Realme. *Tailzie*

ITEM, We revoke all pretended entreſſe, ſaiſinges, and poſſeſſiones, obteined and vſed be ony perſon of our Realme, of the landes, Lord-ſhippes, or poſſeſſiones, that were in our Grand-ſchirs, or in our Fathers handes, and obteined and taken out of our Fathers handes, or our awin handes: Our father or our ſelfe being within age, quhilkis micht not be perſeweed, quhill our compleit age, be ſtrength of acte of Parliament maid therevpon. *Poſſeſsions pertaining to the king or his Predeceſſors.*

AND Attour, we revoke all new infeftmentes of landes given in blanch-ferme, that were halden of vs in waird and reliefe of before. *Blanch-fermes.*

Mair-attour, we revoke all Regalities, or confirmation of Regalitie, that had na poſſeſſion of Regalitie of auld, and all offices given be vs in heritage, or be our Father, ſen the actes and ſtatutes maid, that na Regalitie nor office ſuld be given in heritage, without adviſe and deliberation of the haill Parliament. *Regalities.*

ITEM, We revoke all alienations maid of ony heritage in our none-age, that were lauchfully cummin in our handes be baſtardrie, or ony vther waies ſik-like, and life-rents given be vs in our minoritie, and none-age, as ſaid is *Baſtardrie*

ITEM, We revoke all the new creations of landes in Barronnies, & annexations, and vnions of divers landes into a fee, in prejudice of our dew ſervice aucht to vs, & our Progenitoures of before. And in likewiſe, the diſcharges of ſervice & ſuits of courts, aucht of auld to our Progenitoures. *Vnions of Baronies. Service of courts.*

ITEM, We revoke all new infeftmentes, given of creationes of Barronnies, in the landes and lordſhippes annexed to the Crowne. *Vnions of Barronies of annexed lands*

ITEM, We revoke, reducis, caſſis, and annullis all giftes of Patronages & advocations of Kirkes and benefices, that perteinis to the Crown. *Advocation of kirks*

ITEM, We revoke and caſſis all thinges, that the commoun Lawe leauis vs to revoke and reduce.

AND Generally, we revoke, reducis, caſſis, and annullis, al & quhatſum-ever thinges done in detriment and harme of our ſaule and conſcience, hurting of the priviledge and freedome of our Crowne, prejudiciall, and in damnage of our heritage, to vs, our aires, or Succeſſoures, with this addition and proteſtation: THAT Suppoſe wee of our favoures and benevolence, ſuffer ony perſon or perſones, to vſe or poſſede ony priviledge or poſſeſſion, to the vſers and halders of the ſamin, bot it ſalbe leiffull to vs to put our handes thereto, quhen ever it ſall pleaſe vs but ony contradiction, be vertew and ſtrength of this our Revocation. *Revocatiõ generall The Kings tolerance or lang patience, preiudgis not his reuocation.*

Confirmations

ITEM, Wee revoke in maner foreſaide, all confirmations given, quhair the haill landes, or the mair part of them were annalied of before the giving of the ſaid confirmation, and the ſamin obteined vnder colour, we not knawing the alienations, that the ſaid landes were fallen to vs, be reaſon of alienation, as fore-faltour.

VICeſimo Sexto Iunij, *Anno Domine 1493. Indictione Pontificatus*, Alexandri Papæ *ſexti Anno primo, dictus ſupremus Dominus noſter Rex in Prætorio de* Edinburgh. *&c. Conceſſit, quòd terræ datæ Comiti de* Both-well *&* Iohanni Ros *militi, non caderent ſub revocatione antedicta.*

52 Of the binde of Salmond.

ITEM, It is ſtatute and ordained, that the auld ſtatute maid anent the barrelling of Salmonde of the auld binde of *Aberdene* be obſerved and keiped, after the forme of the ſame, with this addition: That quhair any Cowper or craftes-man makis ony Barrelles of les binde, then the ſaid auld binde, and beis convict thereof, ſall pay ten ſhillinges for ane vnlaw, and dittay to be tane therevpon.

ITEM, That the act and ſtatute maid of before, anent the Schippes, & making of fiſh at the Weſt coaſt, be obſerved and keiped in al thing after the forme of the ſaid act.

FINIS.

THE

THE FIFTH PARLIA-MENT OF KING IAMES

the Fourth, halden at Edinburgh, the

threttenth daye of *Iune*, the zeire of God, ane thouſand, foure *hundreth, ninetie foure* zeires.

53 That na perſones paſſe foorth of the Realme to purchaſe ony benefices without leaue of our Soveraine Lord.



ITEM, It is ſtatute and ordained, for the weill and honour of our Soveraine Lord, the commoun gude and profite vniverſall of his Realme and lieges, and for the eſchewing of innumerable skaith and damnage, that his hieneſſe, Realme, and lieges dailie incurris and ſuſteinis, throw the exorbitant coaſtes and expenſes daily done be Kirke-men, vpon the impetration and purchaſing at the court of *Rome* benefices electiue, and divers vthers that micht be given and provided within the Realme, contrair the actes of Parliament maid therevpon, and contrair divers faculties and priviledges, that our Soveraine Lord and his Progenitoures, of gude mind, hes had, and hes of the Kirk of *Rome*, and als in purchaſing and in-bringing of Novelties, and Innovations in the Kirk, without the adviſement of our Soveraine Lord, in vtter heirſchip and deſtituting of the Realme of all money, and putting of our Soveraine Lord and divers vthers Patrons fra their poſſeſſion and vſe of their ſaidis faculties, priviledges, and richtes of diſpoſition of benefices: THAT For the remeid hereof in time to cum, that nane of our Soveraine Lordis lieges, Spirituall nor Temporall, paſſe foorth of his Realme, vnto the time the Spirituall perſones intimate the cauſe of their

their paſſage to their Ordinares, and that baith Spirituall and Temporall, cum to his Hieneſſe, or his Chancellar, and ſchaw the cauſe of their paſſage: That they may haue licence of him, & get their teſtimonialles therevpon. And that they do, nor attempt to doe nathing vtherwaies, then is conteined in their ſaid licence, contrair the commoun profite of the Realme, actes and ſtatutes maid thereupon. And that they ſchaw & warne, quhairin they make finance, and with quhat perſon, that it may be vnderſtandin, that they haue na money foorth of the Realme: And quha ſa dois contrair the premiſſes, til in-cur the paines of proſcription, rebellion, baniſhing, & putting of them to our Soveraine Lordis horne, and never to bruik norvſe worſhip within his Realme, bot to be demained as traitour and traitoures, and their benefices, gif they ony haue, to be vacant, at the diſpoſition of their Ordinares; but gif they be laick Patronages, and then the patrone ſall diſpone therevpon. And all vther actes maid vpon this mater of before, conteinand ony reſtriction for the commoun profite, to be never-theles obſerved and keiped.

54 That all Barronnes and Free-halders, that ar of ſubſtance, put their eldeſt Sonnes and aires to the ſchules

ITEM, It is ſtatute and ordained throw all the Realme, that all Barronnes and Free-halders, that ar of ſubſtance, put their eldeſt Sonnes and aires to the ſchules, ſra they be ſex or nine zeires of age, and till remaine at the *Grammar*-ſchules, quhill they be competentlie founded, & haue perfite *Latine*. And thereafter to remaine three zeirs at the Schules of Art and jure, ſwa that they may haue knawledge and vnderſtanding of the Lawes: Throw the quhilks juſtice may remaine vniverſally throw all the Realme: Swa that they that ar Schireffes or Iudges Ordinares, vnder the Kingis Hieneſſe, may haue knawledge to doe juſtice, that the puir people ſulde haue na neede to ſeek our Soveraine Lordis principal Auditour, for ilk ſmall injurie: And quhat Barronne or Free-halder of ſubſtance, that haldis not his Sonne at the ſchules, as ſaid is, havand na lauchfull eſſoinzie, bot failzies herein, ſra knawledge may be gotten thereof, he ſall pay to the King, the ſumme of twentie pound.

55 Of the money and bulzieon.

ITEM, It is ſtatute and ordained, that our Soveraine Lord, with adviſe of his Counceł, ordane and ſtatute ane famous and wiſe man, that is expert, and vnderſtandis the maner & faſhion of cuinzies, to be maiſter of the money, and anent the ſtriking thereof, the fines, and the cours, and anent the in-bringing of bulzieon, and ſearching to be maid of the ſamin, and of the out-paſſing thereof off the Realme: That the ſtatutes and actes maid there-vpon of before be keiped: And that this maiſter of money and ſearchoures, haue vpon them the charge of cauſing and ſoliſting of the ſaidis acts, to be put to execution. And gif they be noted of in-diligence or ſleuth therein, that they be puniſhed be the Kingis

gude

gud grace,and his Lordes of Councell,according to their treſpaſſe,and to be deprived of their Offices,and vthers put in their places. And that the Cuſtomers of Burrowes, make compt at this preſent Checker, and in all times to cum,and of the in-bringing of bulzieon,according to the quantitie of their merchandice,paſt furth of the Realme,after the forme of the ſaide actes. And that the maiſter of the money, and cuinzieoures vnder him,pay to the merchandes for the ſaid bulzieon;or to ony vther perſones,that will ſel them fine ſtuffe to cuinzie,the prices conteined in the ſaid actes,and na leſſe,vnder the paine of priſoning of their perſons, and deprivation of their offices.

56 Of the price,gudnes,and fines of victualles,and all vther maner of ſtuffe wrocht.

ITEM, It is ſtatute and ordained,for the remeid of the great hurte and oppreſſion done to our Soverain Lords lieges,throw diſ-proportion of prices maid be craftes-men,and warke-men,vpon all maner of ſtuffe, that they woork,and ſelis,far exceedand the price of the ſtuffe,they by: That therefore all Barronnes, Proveſtes and Baillies of Burrowes, and vthers, that hes the rule and direction of throch-faires, and hoſtellares, throw all the Realme,make diligent inquiſition, and take knawledge of the price of victualles,and al vther ſtuffe,wrocht be ony maner of workman, according to the price of the ſaide victualles and ſtuffe: That they ſet and ordaine certaine price,gudnes,and fines vpon bread, aile, and all vther neceſſarie thinges that is wrocht, and dailie bocht, and vſed be the Kingis lieges. And that they make certaine prievars and examinatoures, to waite dailie vpon the keiping thereof. And quhair ony warke-man beis noted, takand exorbitant prices for his ſtuffe, abone the price,and over-far diſ-proportionate of the ſtuffe he byes,that he be puniſhed be the ſaidis Barronnes,Proveſtes,and Baillies, and vthers havand the direction and rule of the ſaide throch-faires,and hoſtellares,be the taking of ane vnlaw of the courte,that he is vnder, for the firſt time. And ane vnlaw,and eſcheiting of the ſtuffe,that beis exorbitantly ſauld, the ſecond time. And the thrid time depriving and ſuſpending of them fra their craft,and eſcheitting of the ſaid ſtuffe, ſauld over-deare,as ſaid is.

57 That all ſummoundes of errour be raiſed and perſewed within the ſpace of three zeires.

ITEM,It is ſtatute and ordained, that all ſummoundes of errour, or inordinate Proces,that ar to be raiſed be ony perſones, that thinkis them hurte be the determination of inqueſtes,or be proces of Schireffes led in the ſerving of Brieues in time to cum, be raiſed and perſewed within the ſpace of three zeires,after the ſaide proces, and making of retoures: The parties that alleagis them hurte, being of lauchfull age, and within the Realme: Swa that the erroure and in-ordinate proceſſe, michte cum to their eares: And gif onie perſonnes omittis to raiſe

to raiſe ſik ſummoundes, and perſewis them not within the ſaid termes, The ſaid termes being paſte, they ſall never be heard in judgement vpon that action thereafter: Bot ſall tine their priviledge of reduction of the ſaid proces and errour, for all time to cum: Nevertheleſſe the ſummoundes, that ar now dependand and hingand betuixt ony parties, to be proceeded, as they were wont: And quhair that ony perſones thinkis them hurte, be retoures or proces, that ar elſe led and maid in time bygane: That they raiſe ſummondes thereupon, within the ſpace of three zeires, and perſew the ſamin. And failzieng thereof, that they be never heard in judgement, as ſaid is, bot to tine their priuiledge of reduction, in all times to cum.

FINIS

THE SEXT PARLIAMENT OF KING JAMES the Fourth, halden at Edinburgh, the elleventh daye of *March*, the zeire of God, ane thouſand, fiue *hundreth, and three* zeires.

53 Of the dailie Counceil.

ITEM, It is adviſed, ſtatute, and concluded in this preſent Parliament, becauſe there hes bene greate confuſion of ſummondes, at ilk Seſſion: ſa that leaſure nor ſpace at a time of the zeir, micht not haue bene had for the ending of them: And therefore, puir ſolkes hes bene delayed, and deferred, fra zeir to zeit, throw the quhilk they wanted juſtice: Therefore, for eſchewing of the ſaid confuſion, that there be ane counceil choſen be the Kings Hieneſſe, quhilk ſall ſit continually in *Edinburgh*, or quhair the King makis reſidence, or quhair it pleaſis him, to decide all maner of Summoundes in civill

civill maters, complaintes, and cauſes dailie, as they ſall happen to occurre: And ſall haue the ſamin power, as the Lordes of Seſſion. And quhen they ſal beginne, and in quhat place, ſalbe notified to the people, be open Proclamation, at the Kingis pleaſure.

59 That Iuſtice and Schireffes be maid for the Iles.

ITEM, Becauſe there hes bene greate abuſion of Iuſtice in the North partes and Weſte partes of the Realme, ſik as the North *Iles*, and South *Iles*, for lacke and faulte of Iuſtice aires, Iuſtices and Schireffes, and there-throw the people ar almoſt gane wilde: It is therefore ſtatute & ordained, for the acquieting of the people be juſtice, that there be in time to cum, juſtices and Schireffes depute in thay parts, as after followis: That is to ſay, that the Iuſtices and Schireffes of the North *Iles*, haue their ſeate and place, for adminiſtration of Iuſtice, in *Innernes* or *Ding-wel*, as the maters occurris, to be decerned be the ſaid officiares. And that ane vther juſtice and Schireffe, be maid and depute for the South *Iles*, and thay parts, and to haue his place and ſeate for adminiſtration of Iuſtice, in the *Tarbar* of *Loch-kinkerane*, at the wil and pleaſure of the ſaidis officiares, as the maters occurris.

60 Of the Iuſtice aires of Ergyle, Lorne, Bute, *and thay parts.*

ITEM, It is ſtatute and ordained, becauſe there hes bene ane parte of *Hie-landes*, quhilk ar the landes betuixt *Badzienoch* and *Lorne*, and ar called *Dowart*, *Glentowart*, and als the Lordſhippe of *Lorne*, quhilkis hes bene out of vſe to cum to juſtice aires, And likewiſe *Mammor*, *Loch-Aber*, and *Ergyle*: Therefore in time to cum, that the ſaid landes betuixt *Badzienoch* and *Lorne*, called *Dowart*, and *Glentowart*, and als the Lordſhippe of *Lorne*, cum and anſwere, and vnderly the Law in the Iuſtice aire of *Perth*: *Mawmor*, *Loch-Aber* foreſaid, to cum to the aire of *Innernes*: *Ergyle*, quhen it pleaſis the Kingis Hieneſſe, ſall cum to *Perth*, and the Iuſtice aire thereof, quhair euer-ilk Hieland man, and Law-lande man, may cum, and aske Iuſtice without perrill or danger. And that the Iuſtice of the ſaid Lordſhip of *Ergyle*, with the boundes thereof, haue his place and ſeate in *Perth*, at the Kingis pleaſure, as ſaid is. And that that part of *Cowale*, that is not within the boundes, nor Lordſhip of *Ergyle*, and all the inhabitants thereof, cum to the aire of *Dumbartane*. Item, that the aire of *Bute*, *Arran*, *Knapdale*, *Kintyre*, *and* mekill *Cumray*, be halden at the Burgh of *Air*, or *Rotheſay*, and the inhabitants thereof, to cum there, at the Kingis pleaſure.

61 Of Schireffes to be maid in Roſſe *and* Caithneſſe

ITEM, Becauſe there hes bene greate lack and fault of Iuſtice in the North parts, as *Caithneſſe* & *Roſſe*, for fault of diviſion of the Schireffdome of *Innernes*, quhilk is over-great, and thay parts ar ſa far diſtant fra the ſaid Burgh of *Innernes*, throw the quhilk they may not be brocht

haſtely thereto, without great expenſes, laboures and travelles, quhair throw great enormitie and treſpaſſe hes growen in thay partes, in default of officiares within them ſelfe, that had power to put gud rule amang the people: Therefore it is ſtatute and ordained in this preſent Parliament, that there be ane Schireffe maid of *Roſſe*, quhilk ſall haue ful power and juriſdiction, and Schireffe-ſhip within the boundes of *Roſſe*, and to ſit and haue his place for adminiſtration of juſtice in *Thane*, or *Ding-well*, as the ſaid Schireffe thinks expedient, for the deciſion of cauſes, brieues, or ony vther ſik thinges belangand to his office, as the cauſe requiris. And in likewiſe, that there be ane Schireffe maid, quhilk ſalbe called the Schireffe of *Caithneſſe*, quhilk ſall haue full juriſdiction of Schireffe-ſchip, of all the hail dioceſie of *Caithneſſe*, and ſall ſit and haue place for adminiſtration of his Office, in *Dornock* or *Vik*, as he thinkis maiſt expedient, for the cauſes occurrand. And all the Schireffedomes of *Innernes*, *Roſſe* and *Caithneſſe*, and the inhabitants thereof, compeir to the juſtice aire of *Innernes*, quhen it beis cryed and ordained.

62 That the greateſt crime be ſpecified in the remiſsion.

ITEM, Becauſe that there hes bene in times by-gane, abuſion in the giving and granting of remiſſiones to perſones, that hes needed the ſamin, and hes put ane licht cauſe, for the ſpeciall cauſe, in the ſaide remiſſion, and vnder the general clauſe, hes comprehended greater crimes then the ſpeciall cauſe, quhilk was expreſſed, quhilk is contrair to equitie and juſtice: Therefore it is ſtatute and ordained, that quhair ony perſon or perſons, deſiris to haue remiſſiones in time to cum, and wald that remiſſion ſufficed to him, ſal expone and declare in the ſaid remiſſion the greateſt cauſe, that he deſiris to haue the remiſſion for. And in that caſe, the generall clauſe ſall ſuffice him to comprehend crimes of les gravitie, then the ſpecial cauſe. And gif he expreemis not the greateſt crime in ſpecial, the generall clauſe, ſall not ſaue him fra ane greater cryme, nor the ſpeciall is.

63 That na remiſsion ſalbe given for ſlauchter, vpon fore-thoucht-fellonie.

ITEM, Becauſe the Kingis Hieneſſe hes conſidered, and vnderſtandin the great ſlauchters that hes bene in his realme, and the occaſion thereof in traiſt and beliefe, to get remiſſiones haſtely, quhair-throw the great inconvenients of ſlauchter, moved and happened, ever-ilk daye mair aud mair: Therefore of his awin free minde and motive, hes deſired, that his three Eſtaites in this preſent Parliament, wauld ſet ſharpe rule therefore, and for importunitie of askers in time to-cum, is content of the ordinance and deliverance to be maid be them: Therefore bee his awin adviſe, and the ſaid three Eſtaites: It is ſtatute, deviſed, and concluded, that there be na remiſſion given fra thine furth for ſlauchter, to be committed vpon fore-thoucht-fellonie, in ony time to cum. And this ſtatute to indure vnto the time our ſaid Soveraine Lord make ſpeciall revocation of the ſamin.

64 Of the correction and examination of Notares,

ITEM, Anent the article of Notares, becauſe there hes bene divers and great complaintes maid be our Soveraine Lordis lieges, that there is ſa mony fals Notars in the Realme, that it is dredd throw their falſed, that trew men ſall not be ſicker of their heritage, nor Clerkes of their beneſices, and in vther civill actions, quhilk may cauſe ane great diviſion amang our Soveraine Lordis Lieges: Therefore it is ſtatute and ordained in this preſent Parliament, that all Biſhoppes and Ordinares, make all the Notars within their dioceſe, to be called at a convenient day and place before them, & make them be examined vpon their ſufficiencie & knawledge. And als tak inquiſition, how they haue demained them, & of their fame. And the perſons, that they finde culpable, that they deprive them of their offices, & puniſh thē for their faults, according to their demerits: And the perſons that they finde acceptable, that they ſend them with their writinges to the Kingis Hieneſſe, quhilk ſall depute certaine perſons to examine them. And gif they be gainand, to make them Regal, if they be not maid Regal of before. And als, that the ſaid Ordinares take inquiſition of allthem that vſis fals inſtruments: And in ſa far as belangis his office ordinar, to puniſh them. And quhair it belangis not to his Office Ordinar, to ſend them to the King, as effeiris.

65 Summoundes vpon recent ſpuilzie, may be execute vpon fifteene daies

ITEM, Anent recent ſpuilzie, It is ſtatute and ordained, that it ſalbe leiffull to the partie quhilk is ſpuilzied, to ſummonde the ſpuilziers vpon fifteene daies before the Lordes, ſa that hee make his ſummonds within fifteene daies, nixt after the committing of the ſaid ſpuilzie, notwithſtanding the act maid of before, that all ſummoundes ſuld be maid vpon twentie ane daies: And richtſwa, to haue power to cal the ſaid ſpuilzier before the Schireffe, and that there ſalbe na exception dilatour admitted againſt that ſummounds, it beand lauchfully indorſate.

66 Anent the expenſes of Schireffes for ther office.

ITEM, Anent the expenſes of Schireffes, baith Ordinar, and Schireffes in that part, to be taken for the execution of their office in the diſtreinzieing of perſons for ſummes recovered: It is ſtatute, adviſed, and ordained, that the ſaid Schireffe, quhilk ſall execute his ſaid office, ſal haue twelue pennies for ilk pound, for the execution of his office: And that to be taken of the perſon or perſones, that the ſummes or debtes be recovered on.

67 Of expenſes of proces.

ITEM, Becauſe in time by-gane, the Kingis lieges hes bene greatumly hurt, be the partiall Schireffe and Officiares, for the denying of their proces to be given to the partie, quhair-throw the partie injured, micht

haue followed his action,and founded his intent,and the ſaid Schireffes hes halden their proces at ſa great ſummes,that the partie micht not pay therefore, and for that cauſe, the partie injured, hes loſt the proſecution of his action,and tint the ſame for verry poverty,that he micht not louſe the ſaid proces: It is therefore adviſed,ſtatute and ordained,that in time to cum,ilk ſik Schireffes and officiares,that hes proces led before them, outher be action of debt,or brieues, that they giue the ſaide Proces to the partie,vpon his expenſes,and that the partie ſal pay therefore,for ilk acte foure pennies allanerlie.

68 For keiping of money within the Realme.

ITEM, As to the taking of gold or ſilver foorth of the Realme: It is adviſed,ſtatute,and ordained,that the actes and ſtatutes maid of before, for the halding of money within the Realme,be put to dew execution, with this addition: That it ſalbe ane poynt of dittay vpon the takers foorth of the ſamin. And als, that the Kingis hieneſſe,depute certaine ſearchoures in ever-ilk towne quhilk hes ane Port: The quhilkis ſearchoures ſall haue power to ſearch the ſaillers and paſſers foorth of the Realme,for having foorth of money,quhat-ſum-ever perſon he be,Spirituall or Temporall. And he ſall haue of his fees, the fourth part of the money that is taken be him,he bringand the th'other three partes to the King. And that na perſones, nouther Spirituall nor Temporall, haue mair money foorth of the Realme,bot fourtie ſhillinges, of the quhilks he hes licence be vther actes of before,vnder the paine of eſcheit.

69 Anent ſtealers of Pykes, breakers of zairds and dowcattes.

ITEM,Anent ſteallers of Pykes out of ſtancks,breakers of Dowcattes, Orchardes or zairds,or ſtealers of hiues,and deſtroyers thereof: And als anent them, that ſlayis Parked deare,Raes,or Rae-buckes, of Lordes proper wooddes,that that be a poynt of dittay in time to cum. And that the vnlaw thereof, be ten pound,togidder with ane amendis to the partie,according to the skaith. And gif ony Children within age, commit ony of thir things foreſaid,becauſe they may not be puniſhed for none-age,their Fathers or maiſters ſall pay for ilk ane of them, ilk time committing ony of the ſaid treſpaſſes foreſaid, threttene ſhillinges four pennies,or elſe deliver the ſaid Child to the Iudge,to be leiſched,ſcourged, and dung,according to the fault.

70 Anent Beggers and their qualities.

ITEM,Anent beggers, that the ſtatute of King *Iames* the Firſt, maid vpon ſtarke beggers,be obſerved and keiped. And that the Schireffes Proveſtes,Baillies within Burrowes, baith of Royaltie and Regalitie, Spiritualitie and Temporalitie, ſee that this act be execute and keiped: And that they thoil nane to beg within them,except cruiked-folke,ſeik-folk,impotent-folk, and weak-folk,vnder the paine of payment of ane mark, for ilk vther begger,that beis foundin.

71 Of the vnlaw of greene-wood and Mure-burne

ITEM, Anent the artickle of greene-wood, becauſe that the Wood of *Scotland* is vtterly deſtroyed, the vn-law theirof, beand ſa little: Therefore it is ſtatute and ordained, that the vnlaw of greene-woodde, to ony man, be ſelling or burning in time to-cum, be fiue pound: And that baith of Regalitie and Royaltie, the auld vnlaw of greene woodde to the deſtroyers of it, vtherwaies ſtandand in effect, as of before. And that the vnlaw of Mure-burne, after the Moneth of *March* be in likewiſe fiue pound in all times to cum.

72 Of ſlauchter of redde fiſh, or Kipper.

ITEM, Anent the ſlauchter of redde fiſhe in for-bidden time, becauſe the litil vnlaw thereof hes bene the cauſe, and occaſion, that the redde fiſh hes bene ſlaine in great number, to the great heir-ſhip of the cuntrie, and the deſtruction of the commoun weill: And als anent the ſlayers of Smoltes in milne-dames, clowſes, and be nettes, thornes, and cruves: It is ſtatute and ordained, that the vnlaw thereof in time to-cum be ten pounde for the firſt time: The ſecond time, twentie pound: And the thrid time, tinſell of life to the committer. And als it ſalbe leiffull to the Barronne, baith Spirituall and Temporall, baith in the Royaltie, and Regalitie, to proceed and ſit hereupon in their courtes, and to haue ane vnlaw of ilk one that beis convict of ony poynt foreſaid, of threttie ſhillinges. And gif ony perſon or perſones clamis to haue ſik priviledges to ſlaie ſik fiſh in forbidden time, be ony of the waies foreſaid, that al ſik priviledges ceaſe, vnto the time, that they cum before the King & Lords and ſchaw their ſaid priviledge, that they may be conſiddered, quhidder ſik priviledges be for the commoun weill, or not.

73 Of the diviſion of Schireffedomes.

ITEM, Becauſe there hes bene wanting of Iuſtice in ſindrie Schireffedomes, throw the greatneſſe of the ſamin: Therefore it is ſtatute and ordaned, that there be diviſion maid thereof in this wiſe: That *Culroſſe*, and *Tullialloun*, *Clack-mannan*, and all the landes betuixt it and *Striviling*, quhilk come to the aires of *Fife* and *Perth* of before, that all thay lãds in time to cum, cum to the aires of *Striviling*. And that *Tullialloun* & *Culroſſe*, cum to the Schireffe court of *Striviling* on this wiſe, that all the perſones put now to the Iuſtice aire, and Schireffe courte of *Striviling*, pay their vnlaw, baith in Schireffe court, and Iuſtice aire, ſik-like as they payed before this vnion, without prejudice to them thereintill.

ITEM, That the *Leinzie*, *Loch-bard*, *Brimmage*, *Skaithmoir*, *Kippane*, *Garden* and *Sea-Begges*, quhilk was of the Schireffedome of *Dumbartane*, *Perth*, and *Edinburgh* of before, be fra this time foorth, baith of Iuſtice aire, and Schireffe court of *Striviling*. Item, that the landes of *Buchannane*, *Fintrie*, *Campſie*, *Strablane*, *Buthrane*, *Drymme*, *Inch-calzeach*, and fra

thine Weſte, to be of the Schireffedome of *Dumbartane*, and compeir there, baith at the juſtice aire, and Schireffe courte, in all times to cum, with the like condition, that the in-habitants thereof, paye their vnlaw, baith in juſtice aire, and Schireffe court, as they did before this vnion, without ony prejudice there-intill, as ſaid is.

74 That hedges, Parkes, and Dowcattes, and Cunningares be maid.

ITEM, It is ſtatute and ordaned, anent policie to be halden in the cuntrie, that everilk Lorde and Laird, make them to haue Parkes with Deare, ſtankes, cunningares, dowcattes, orchardes, hedges, and plant, at the leaſt, ane aicker of Woodde, quhair there is na greate Wooddes nor Forreſtes.

75 Of zeirly weapon-ſchawinges to be maid.

ITEM, It is ſtatute and ordained, for the keiping of armour and harnes, that it be not ſpilt nor deſtroyed in time of peace, that all *Scotland* mak their weapon-ſchawinges vpon *Thurſ-day* in *Whit-ſunday* oulk. And that ilk officiar, as Schireffe, Baillie, Steward, or vthers, ſee that this acte and ſtatute be execute and keiped.

76 The heretoures and aires may be followed at the zeiris end, after the deceaſe of their fore-bears: Caution ſuld be found be the executors, to the aire.

ITEM, Anent the exceptions proponed be heretoures, quhen they ar perſewed for debtes of their Fathers, or fore-bears, to quhome they ſucceede, allege and that their fathers moveable guds ſuld pay their debtes, and that the executors ſuld be called before them: It is adviſed, ſtatute, and ordained, that it ſalbe leiffull to the creditour to follow the aire, after the by-paſſing of ane zeir. Becauſe the executors ſuld be reſponſall for ane zeir: at the ende of the quhilk, he ſuld giue his compt. And gif it pleaſis the aire, he may, and ſuld be diligent, and require the Ordinar within the ſaid zeir, to aske compt, and he to ſee the compt, and quhat beis found in remanent, ouer the things perteinand to their office, that he ſuld require the Ordinar, that he micht haue caution and ſovertie for the relieving of his heretage, in ſa far as the gudes reſtis attour the compt. And that the Ordinar ſall cauſe him to haue ſufficient caution thereof. And ſa at the end of the zeir, the aire ſall anſwere to everilk creditour.

77 Anent the exceptions proponed anent Widowes, in hindring of them of their teirces.

ITEM, It is ſtatute and ordained, anent the exceptions proponed againſt Widowes, perſewand and followand their benefices of teirce,

or

or the profite of their teirce, quhilk is oft times proponed againſt thay widowes, that they were not lauchfull wiues to the perſones their husbandes, be quhome they follow their ſaid teirce: That therefore, quhair the matrimonie was not accuſed in their life-times, and that the woman askand this teirce, beand repute and halden, as his lauchful wife in his life time, ſalbe teirced, and bruik her teirce, but ony impediment or exceptions to be proponed againſt her, ay and quhill it be clearely decerned, and ſentence given, that ſcho was not his lauchfull wife, and that ſcho ſuld not haue ane lauchfull teirce therefore.

78 That al Free-halders, within ane hundreth markes of extent ſend their procuratoures to the Parliament.

ITEM, It is ſtatute and ordained, that fra thine-foorth, na Barronne, Free-halder, nor vaſſall, quhilk ar within ane hundreth markes of this extent, that now is, be compelled to cum perſonally to the Parliamente, bot gif it be that our Soveraine Lorde write ſpecially for them: And ſa not to be vn-lawed for their preſence, and they ſend their procuratours to anſwere for them, with the Barronnes of the Schire, or the maiſt famous perſons. And all that ar abone the extent of ane hundreth marks, to cum to the Parliament, vnder the paine of the auld vnlaw.

79 That all our Soveraine Lordis lieges be ruled be his lawes.

ITEM, It is ſtatute and ordained, that all our Soveraine Lordis lieges beand vnder his obeyſance, and in ſpeciall the *Iles*, be ruled be our Soveraine Lordis awin Lawes, and the commoun lawes of the Realme, and be nane vther Lawes.

80 That all officiares within Burgh be changed zeirly.

ITEM, That all Officiares, Proveſtes, Baillies, and vthers havand office of iuriſdiction within Burrowes, be changed zeirly, & that nane haue juriſdiction within Burgh, bot gif they vſe merchandice within the ſaid Burgh.

81 That na Merchandes perſew ane vther in partes bezond Sea, before ony Iudge, bot the Conſervatour.

ITEM, It is ſtatute and ordained, for the weill of Merchandice, and for the greate exorbitant expenſes, maid be them vpon pleyes in the partes bezond Sea: That therefore the Conſervatour of this Realme haue juriſdiction to do juſtice amang the ſaidis Merchandes, OVR SOVERAINE LORDIS lieges, that is to ſay, betuixt merchand and merchande in thay partes bezond ſea. And that the ſaid Conſervatour proceed not vpon ony maters, bot gif they be vj. of the beſt & honeſteſt merchandes of maiſt knawledge of the Realme, that ſal ſit and haue power with him, gif ſa mony may be gotten. And gif there be not to the number of vj. that there ſit iiij. Merchandes with him at the leaſt, that

all haue ſik like power with him to miniſter juſtice, and that na Merchand perſew an other before anevther judge bezond the Sea, nor do in contrair this acte, vnder the paine of fiue pound, to be payed to the King of the perſewer, and payment of the expenſes, to the partie perſewed.

82 That the Conſervatour of Scotland, *cum hame zeirly, or ſend ane Procuratour.*

ITEM, It is ſtatute and ordained, that the Conſervatour of *Scotland*, cum zeirly hame, or ſende ane reſponſall procuratour for him zeirly, that ſall anſwere to everie ilk man vpon all thinges, that they haue to ſay to him for all maters, and make certification to the King or his councel, of the ſending of the ſaide procuratoures, and that vnder the paine of tinſell of his office, and payment of twentie pound great to the King.

83 That na mercat nor Faires be halden vpon Halie-daies, nor in Kirk, nor in Kirk-zairdes.

ITEM, It is ſtatute and ordained, there be na mercat, nor Faires halden vpon Halie-daies, nor zit within Kirkes, nor Kirk-zairdes, vpon Halie-daies, n or vther daies, vnder the paine of eſcheit of the gudes.

84 That Merchandes and Burrowes bruik their auld priviledges.

ITEM, it is ſtatute and ordaned, that all the merchandes of the realme and the Burrowes, bruike, and haue their aulde priviledges and freedomes, granted, and given to them be our Soveraine Lordis Progenitoures of maiſt Noble minde, be obſerved and keiped to them, and that na perſones dwelland out-with Burrowes, vſe ony Merchandice, nor zit tap nor ſell wine, walxe, ſilkes, ſpicerie, wadde, nor ſiklike ſtuffe, nor zit Staple gudes: And that nane packe nor pile in *Leith*, nor vthers places, without the Kingis Burrowes, vnder the paine of the eſcheitting of the gudes to the Kingis vſe, that beis tapped, ſauld, packed, or piled, againſt this ſtatute.

85 That Commiſſares and headeſ-men of burrowes be warned to taxations of the Realme.

ITEM, It is ſtatute and ordained, that the Commiſſares and headeſmen of Burrowes, be warned quhen taxes or contributiones ar given, to haue their adviſe there-intill, as ane of the three Eſtaites of the Realme.

86 That na Burges be maid without conſent of the great Councell of the Towne.

ITEM, It is ſtatute and ordained, that in time to-cum, na Proveſt, Baillie, nor Alder-man of ony townes, make Burgeſſes, nor Gild-brether, without

without the conſent of the great Councell of the Towne, and that the profite that is tane, for the making of ilk Burgeſſe or Gilde, be put to the commoun gud, and wared on the commoun warkes.

87 That na nichtbour vſurpe againſt the officiares in Burgh.

ITEM, It is ſtatute and ordained, that na nichtboures, craftes-men, Gentle-men, Burgeſſes, nor in-dwellers in the Burgh, vſurpe againſt the authoritie of the Kingis Officiares, choſen in the Burgh, nor make leagues nor bandes in contrair the ſamin, vnder the paines conteined in the Lawes and ſtatutes of the Burgh.

88 That nane houſe wooll. ſkin, nor hides in Leith.

ITEM, It is ſtatute and ordained, for cauſing of the Kingis cuſtomes to cum in hail to him, as accordis, and to eſchew the defrauding, that hes bene done thereof in times by-gane, that na man houſe wooll, hide, nor skinnes in *Leith*, nor vther places, out-with free burrowes, vnder the paine of eſcheit.

89 That all Schireffes and Officiares write the day that they giue ſaiſing to ony man in their court buik, and bring the ſamin to the Checker.

ITEM, Becauſe the vaſſalles ar greatumlie hurte, throw out-lying of their over-Lordes, and for the none-entring to the ſuperioritie of their lands, after that they raiſe their precept of ſaiſing out of the Chancellarie: It is ſtatute and ordained, that in time to cum, all Schireffes, Stewardes, or Baillies, that giues ſaiſing be preceptes of our Soveraine Lordis Chappell to ony perſones, that they write the day and zeir, that they gaue the ſaiſing, and bring the ſamin in their courte buike to the Checker.

90 That it be leiffull to our Soveraine Lord to ſet all his landes in few.

ITEM, It is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites in this preſent Parliament, that it ſalbe leiffull to his hieneſſe to ſet all his proper landes, baith annexed, & vn-annexed in few-ferme, to ony perſon or perſones, as he pleaſis: Swa that it be not in diminution of his rentall, greſſoumes, nor vther dewties, and to ſet them with ſik clauſes, as he thinks expedient, according to the condition foreſaid. And that the landes that he ſettis in his time, as ſaid is, ſtande perpetually to the aires, after the forme of their condition: And that this ſtatute indure for the life time of the King our Soveraine Lord, that now is, allanerly: Swa that the lands that he ſettis in his time, with the condition foreſaid, ſall ſtand perpetually: And after his deceaſe, the annexations, quhilkis ar maid of before, ſall returne againe to the awin nature: Swa that his Succeſſours ſal not haue power to annalie, nor ſet in few, mair then they had before the making of this ſtatute. *Diſſolution.*

91 That

91 That it ſalbe leiffull to everie man, baith Spirituall and Temporall, to ſet their landes in few.

ITEM, It is ſtatute and ordained, becauſe the Kingis Hieneſſe is of will and minde, for policie of his Realme, to ſet his proper landes, baith annexed, and vn-annexed, in few-ferme: Therefore, he hes granted to all his Eſtaites, with their adviſe, that ever-ilk Lord, Barronne, Free-halder quhat-ſum-ever, Spirituall or Temporall, ſall haue power induring the daies of his life, to ſet all their landes in few-ferme, or annuall-rente, to ony perſon or perſones: Swa that it be not in diminution of their rentall, ſwa that the alienation ſwa maid of the maiſt part of all their lands, ſalbe na cauſe of fore-faltour, nouther to the ſetter, nor to the taker: notwithſtanding, ony ſtatute or lawes maid in the contrair.

92 That the Malt-makers preſent their Malt to the mercat.

ITEM, It is ſtatute and ordained, that all the Malt-makers of *Leith*, *Edinburgh*, and vther places about *Edinburgh*, or vther Burrowe townes within the Realme, preſent their malt to the mercat in time to-cum. And that ilk day be ane mercat day for victualles, except the halie-day: And that they ſell not the ſaid Malte, quhill nine houres, vnder the paine of eſcheit of all Malte, that is ſauld vtherwaies: And that the Proveſt and Baillies of ilk ane towne, ſee that this ſtatute be keiped. And that they haue power to eſcheitte the ſamin, and anſwere to our Soveraine Lorde zeirlie therefore in his Checker, quhais handes that ever it be foundin in: And that the Malt-makers take na mair for the making of ane Chalder of Malt, bot ane boll of Beare: And quha dois in the contrair, ſalbe repute oppreſſoures of the Kingis lieges, and dittay tane there vpon to the Iuſtice aire.

93 That the inhabitants of annexed and vnite landes to vther Barronages ſall anſwere to the Iuſtice aires, Schireffe courtes, quhair the landes lyis.

ITEM, Becauſe it hes bene ane defrauding in execution of Iuſtice, that quhair lands hes bene annexed & vnite in ane Baronie, quhilks lands lyis in ſindrie Schireffedoms, throw the quhilk the inhabitants of the ſaidis lands ſa annexed, hes never anſwered in Schireffe court, nor Iuſtice aire, in the Schireffedome, in the quhilk they lye, becauſe the Lordſhip, that they were annexed to, lyis in ane vther Schireffedome: Therefore it is ſtatute and ordained in time to cum, that ever-ilk Barronnie, and the inhabitantes thereof, ſal anſwere in Schireffe courte and Iuſtice aire, quhair the ſaid Barronnie lyis, and there be halden to compeir, baith be arreiſt of his Schireffe officiar and Crowner, notwithſtanſting the ſaid annexations: And the annexation ſall ſuffice allanerly for the Lord, that hes the ſaid landes annexed, to giue their preſence, and ſervice in the place, quhair they ar ordained be the ſaid annexation.

94 *Of exceptions to be proponed againſt the brieue of inqueſt: Summounding of aſſiſors: Proclamation of brieves*

ITEM, It is ſtatute and ordained, that becauſe there hes bene in time by-gane, great abuſion in the proponing of exceptions frivol, againſt the brieue of inqueſt, and perverted the ordoure and nature of it, as it were ane brieue of pley: Therefore for the eſchewing of ſik frivoll exceptions in time to-cum: It is ſtatute and ordained, that na exception availe againſt the ſaid brieue of inqueſt, it beand cryed openly vpon fifteene daies, with the indorſing of the officiar that cryed it, contenand twa witneſſes, and his ſeale or ſignet, bot the exceptions followand allanerly: That is to ſay, againſt the judge, againſt the inqueſt, and the exceptions of baſtardrie, and that to be proponed in the forme of the auld Law: And as anent the exception maid anent the ſummounding of inqueſt, vpon fifteene daies before, after the forme of the ſtatute of King *Robert*, quhilks maks mention, that the inqueſt ſuld be ſummound vpon fifteene daies before: It ſalbe leiffull notwithſtanding the ſaid ſtatute to the Schireffe, or ony vther officiar, that is Iudge to the brieue of inqueſt, to ſummound the ſaid inqueſt vpon quhat daies he pleaſis, or vpon ſchort time, notwithſtanding the ſaide ſtatute: And gif they be preſent in the Tol-buith vn-ſummounded, ſa that there be nane vther lauchfull exception againſt them, it ſalbe leiffull to the Schireffe or Officiares, to compell them to paſſe vpon the ſaid inqueſt. And attour, becauſe there hes bene ane abuſion in the crying of the Kingis brieues in Stewartries and Baillieries, quhair they were cryed at ane Hill, na confluence of people being there, throw the quhilk na knawledge their of micht cum to the partie: Herefore it is ſtatute and ordained, that all maner of brieues of inqueſt, ſalbe cried at the mercat croce of the burgh openly in plaine mercat, quhen maiſt confluence of people is gaddered. Swa that the crying thereof, may cum to the knawledge of the partie defender, quhair it ſuld be ſerved, and quhat day. And that the ſaid brieue be thriſe cryed plainely togidder, and betuixt ilk crying the ſpace of all the three cryinges. And that all officiares of the towne be warned to compeir at the ſaid proclamation to beare witnes: And gif it ſal happen, that the Anteceſſor of ony clamand richt, deceaſe ſa nere the terme of *Whit-ſunday* and *Martin-mes*, that the perſewer may not get it vpon ane mercat day, for nearenes of the terme of *Whit-ſunday* or *Martin-mes*, in that caſe, it ſalbe leiffull to him to gar cry his brieue vpon ony oulke day: Swa that he haue the officiares of the towne, and part of the honeſt perſones to the number of ſex perſones, ſaifand to our Soveraine Lord, his warning vpon fourtie daies, after auld vſe and conſuetude.

95 *Of the proces of falſing of doome.*

ITEM, It is ſtatute and ordained, becauſe there hes bene great abuſion of Iuſtice, and greate expenſes to the partie perſewand their lande and heritage be the brieue of richt, and vther brieves pleidable be the

he proponing of exceptions frivoll and borghes and recounters, and falſing of doomes, throw preſuming of delayes: That therefore in time to cum, quhair ony doome is falſed, outher vpon dilatour or peremptour exception, or vtherwaies in the perſute of the briefe of richt, the partie that falſis the ſaid doome before the Schireffe, Stewart, Baillie, or ony vther officiar, or their deputes, ſall cum within the ſpace of fifteene daies to the juſtice Clerk, and preſent his proces, of the falſing of the ſaid doome. And with adviſe of our Soverain Lord, or his juſtice there, ſall incontinent thereafter, be ſet, ane juſtice aire, for the diſcuſſing and ending of the ſaid doome falſed, vpon fourtie daies: And the juſtice be his precepts or ſummoundes, direct to the Schireffe, ſall warne baith the parties of the ſaid day, limit for the diſcuſſing of the ſaid doome. And the Free-halders and ſuitours ſal cum to the ſaid Iuſtice aire, within the Schireffedome or Stewartrie, quhair the ſaid doome ſall be diſcuſſed, & warde thereupon, vnder the paine of the vnlaw of the court. And gif the ſaid doome be falſed in the juſtice aire, anent the ſaid briefe, or gif there be ony vther brieues pleidable preſented to the juſtice, & in the perſute of them happenis the doome to be falſed: In likewiſe, after the falſing of that doome, within fifteene daies thereafter, the partie that falſis the doome, ſall cum to the Clerk of Regiſter, and of our Soveraine Lordis Councell, and preſent this proces of falſing of doome. And thereafter the ſaid Clerk of Councell, ſall ſchaw the ſamin to our Soveraine Lord, quhilk ſall depute threttie or fourtie perſones, or maa or fewer, as pleaſis his Hieneſſe, quhilk ſall haue power as it were in ane Parliament, to decide and diſcuſſe the ſaid doome, and the parties be warned be our Soveraine Lordis letters, of the day affixed for the diſcuſſing of the ſaid doome: quhilk ſalbe ſet vpon fourtie daies, within the quhilk time, it ſal be leiffull to ony of the parties, to giue in their reaſones. And gif there be ane doome falſed before the Proveſt, Baillies within Burgh, or before ane Barronne or vther Free-halders: The partie falſer of the ſaid doome ſall cum in likewiſe, gif it be falſed, within the Burgh to the Chalmerlane, and preſent him the proces of the falſing of the ſaid doome, quhilk ſall ſet ane court of the iiij. Burrowes, vpon fifteene daies, & make the ſaid doome to be diſcuſſed: In likewiſe, quhair the doome is falſed before the Barronne or Free-halder in their courts, then the falſer of the ſaid doome ſall cum to the Schireffe, or vther immediate ſuperiour of that Court, quhilk ſall ſet his Court vpon fifteene daies, and make the ſaid doome to be diſcuſſed, and warne the parties thereto, and gar the ſuitours of the Schireffedome warde thereupon. And gif it be falſed in the ſaid court of foure Burrowes, or in the Schireffe court, to haue ſik-like proces to the courts immediat ſuperiour, as is abone written: And the parties to haue priviledge to give in their reaſons ony time, within the day limited, for the diſcuſſing of the ſaid doomes. And this to haue proces in all maner of doomes falſing, alſweill brieues, as vther civill maters.

96 That all measures and weichtes be of ane quantitie, quhilk salbe statute in Edinburgh, *be the Chalmerlane.*

ITEM, It is statute and ordained, that all measures and weichtes, baith pynt, quart, firlot, peck, elvand, stane & pound, be of ane quantitie & measure, quhilk salbe ordained in *Edinburgh*, be our Soveraine Lord, & his Chalmerlane and Councell. And that euerilk Burgh cum and fetch their measure foorth of *Edinburgh* sealed and maid, and keip the samin. And quhair there is ony fermes aucht in heritage of the auld mette, that the said fermes be proportionate to the quantitie of the auld mette, and payed with the new mette, to the availe of the auld met proportionally. And gif ony persones vse ony vther measures, or weichtes in time to-cum, bot the measures and weichtes now to be maid, as said is: It salbe ane poynt of dittay, and they to be indicted thereof, fra thine foorth.

97 That all money haue course in the Realme, it being cracked or flawed.

ITEM, It is statute and ordained, because there is and hes bene great difference and refuse in the taking of money, havand course in the Realme, it beand outher cracked or flawed: Therefore that in time to cum, na maner of person or persones, refuse to take for their Merchandice ony money, silver or gold, it havand course in this Realme: Notwithstanding it beand outher cracked or flawed, with certification, that quha dois in the contrair, sall tine the silver that they refuse, to be eleheit to the King, and the byer to haue the stuffe, that he suld haue coft with the said money.

98 That na Schireffe nor officiar distreinzie or poynd ony thing belangand to the pleuch, in time of teilling

ITEM, It is statute and ordained, that in time to-cum, na maner of Schireffe nor officiar poynd nor distreinzie, the oxen, horse, nor vther gudes perteining to the pleuch, and that labouris the ground, the time of the labouring of the samin, quhair ony vther gudes or lande ar to be appriſed or poynded, according to the commoun law.

99 That the wordes of falsing of doomes be changed.

ITEM, It is statute and ordaned, that the wordes of falsing of doomes be changed, in this maner, that quhair ony partie thinkis him hurte,

he ſall vſe thir wordes : I AM GREAT VMLIE HVRT AND INIVRED BE THE SAIDE DOOME, Therefore, I appeale and findis ane borgh in the Officiares handes of the Court, to perſew the ſaid appellation, conformand to the Law maid of before, and within the time, ſik-like as is conteined in the ſaid Lawe of the Realme.

100 *The Kingis Revocation.*

QVO Die excellentiſsimus ſupremùſque Dominus noſter Rex, in præfato ſuo Parliamento, cum conſenſu & aſſenſu trium Regni ſui ſtatuum, ipſis, vt ſuprà, præſentibus, revocauit, caſſavit, annullavit, omnes & ſingulas donationes, Conceſſiones terrarum, prædiorum, poſſeſſionum, aut aliarum rerum, acta, ſtatuta Parliamenti ſeu Generalis Concilij, & quæcunque alia per eundem ſupremum Dominum noſtrum Regem, ac nomine ſuo, temporibus retroactis præiudicialia, ac damnum, detrimentum ſeu læſionem Eccleſiæ Catholicæ, animæ ſuæ, aut Coronæ generantia. Et prædictas donationes, conceſſiones, acta, ſtatuta, & quæcunque alia, ſic vt præmittitur, revocata, pro non factis haberi vult in futurum, & eadem de libris & ſcriptis cancellari & deleri mandavit.

FINIS

THE

THE SEVENTH PARLIAMENT OF KING IAMES the Fourth, halden at Edinburgh, the aucht daye of *Maÿ*, the zeire of God, ane thouſand, fiue *hundreth, and nine* zeires.

101 *Anent the diviſion of Schireffedomes.*

ITEM, Anent the Article of the diviſion of Schireffedomes, quhilk was ordained be ane act of Parliament, maid in the Parliament, halden at *Edinburgh*, in the zeir of God, ane thouſand, fiue hundreth, and three zeires: It is now ſtatute and ordained, that fra thine foorth, the ſaid act of Parliament, haue ſtrength allanerly, anent the courts of juſtice aires, baith for ſuit, preſence, and all thinges concerning the juſtice aires. And as for the Schireffe courtes, and all vther courtes and doinges, that they cum to the townes and Schireffedomes, that they come to, and were of before the making of the ſaid act of Parliament, and there to anſwere, and give ſuit and preſence, and thole law, as they were woont to doe, exceptand the landes perteining to Schir *Duncane Forreſter*, that is to ſay, the landes of *Garden*, *Diſcher*, *Kippane*, *Eon*, and *Gibbin eaſter*, to remaine at the juſtice aires, and Schireffe courts of *Striviling*, as they were of before the making of this preſent act.

102 *Ane act maid be our Soveraine Lord, King* Iames *the Fourth, anent the waird, reliefe, and mariage of the aires of them that deceaſis in the armie.*

AT *Tweſil-hauch* in *North-Humberland* the xxiiij. day of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth, threttene zeirs: It is ſtatute & ordained be the Kingis hienes, with adviſe of all his Lordes being there for the time in his hoiſt in this forme, as followis, that is to ſaye, gif ony man beis ſlaine or hurt to death in the Kings army, and hoiſt be *Engliſh-men*, or dies in the armye, induring the time of his hoiſt, his aires ſall haue his waird, reliefe, and mariage of the King free, diſpenſand with his age, quhat eild that ever he be of. And ordainis the Kingis letters to be direct herevpon to the effect foreſaid, neceſſair, as effeiris.

ANE TABLE OF THE PARTICVLAR AND VTHER Acts, maid be King Iames the Fourth,

quhilkis ar not prented. First Parliament, *sext day of* October, *the zeir of God*, ane thousand, foure hundreth, auchtie, aucht zeires.

OVR Soveraine Lordis mariage.
Of landes and gudes taken before the Field of Striviling.
That restitution be maid to Burgesses and vn-landed men, of gudes taken fra them.
That all Officiares being in the field of Striviling, *be suspended fra their offices.*
Anent the entresse of the aires of them quha deceased in the fielde of Striviling.
The furth-putting of Iustice.
Commission anent the stanching of thiefst and vther enormities.
Of Clerkes that purchasis benefices at the Court of Rome.
The proposition of the debaite of the field of Striviling.
Anent Cruves.
Anent the keiping of the Castell of Edinburgh, *and destruction of the Castel of* Dumbar.

Second Parliament. xv. of Februar. 1489.

Of Iustice aires..
Ane Embassadour to France.
Ane Eonbassadour to Denmarke.
Provision for the Duke of Rosse *and Erle of* Marre.
Commissions for the in-bringing of the Kingis rentes.
Auditours for the Kingis Compts.
Anent Ferriers that takis double fraucht.
Of Halcarstoun *to be called the* Temple.
Remissiones of them quha was in Dumbartane *with the Lord* Lile.

Thrid Parliament. xviij. of Maij. 1491.

Embassadour for our Soveraine Lordis mariage.

Ane

Ane Embaſſadour to Denmarke.
The keiping of the daies of trewes.
The ſitting of the Seſſion.

Fourth Parliament. xxvj. of Iune. 1493.

The diſpoſition of benefices, the Sege vacant.
The Bull anent Benefices electiue to be obſerved.
That na Legate be receiued within this Realme.
Of the Indult granted to Saint-Andrewes *and* Glaſgow.
Of the pleyes betuixt the Biſhoppe of Saint-Andrewes, *and* Glaſgow.
The Kingis Embaſſadour ſuld charge all perſones to ceaſe their pleyes.
Embaſſadour for the Kingis mariage.
That nane deſtroy Herone ſewes for three zeir.

Sext Parliament. xj. of March. 1503.

Anent the making of Schippes for fiſhing.
That the auld acte anent Sailers be put to execution.
Anent the in-bringing of bulzieon.
That money cracked or flawed, haue courſe within the Realme.

FINIS.

PARLIAMENTVM PRIMVM IACOBI QVINTI DEI gratia Scotorum Regis Illustrissimi, tentum & inchoatum apud *Edinburgh*, die Iovis, duodecimo die Mensis *Iulij Anno Domini, Millesimo Quingentesimo, decimo-quinto, per illustrem & magnificum principem*, Iohannem *Ducem* Albaniæ *&c. Prædicti Domini nostri Regis & Regni tutorem & gubernatorem, vna cum Prælatis, Baronibus, Proceribus, & Burgorum Commissarijs in speciali Commissione contentis, & ibidem perlectis, in dicto Parliamento congregatis, tres Regni status representantibus &c. Quo die sectis vocatis, curia affirmata absentes patent in Rotulis.*

1 Of the freedome of halie Kirk.



IN The first it is statute, that the freedomes, priviledges, and immunities of halie Kirk, and vthers Spirituall persones, be obserued and keiped in honour and worship, in the time of our Soverain Lord, and my Lord Governour, that now is, as it hes bene in times by-gane.

2 The maister or mainteiner of ane thief, suld deliuer him to the partie, or exhibite him before the Iudge. Of thiefst-bute. The wrangeous accuser, payis ten poundes.

ITEM, Becauſe the crime of thieft and ſtouth-riefe, is ſa commounlie vſed amang the Kingis Lieges, and for ſtanching of the ſamin, It is ſtatute and ordained in this preſent Parliament: That quhair ony of the Kings lieges is plainteous, or compleenis vpon a thiefe that hes reft or ſtollen

ſtollen his geare, or his mennis,and is in ſervice or obeyſance of onie man,and ſchawis the ſamin to the man,that he is in ſervice with, and wauld attach him to the Law for the ſame: this man,that this thief or rieuer is in ſervice with,or finds him with him,or vnder his obeyſance, ſal be halden & obliſhed, to produce & bring him to the Law, before the Iuſtice,Schireffes,or ony vthers, that hes cognition to do juſtice vpon ſik perſons, committers of ſik crimes,at daies and places affixed to them to vnderly the ſamin: or elſe ſall deliver the ſaid thiefe or riever, to the compleener,to be brocht to the Law,and juſtified,as ſaid is. And gif his maiſter or ſuſteiner of this thiefe or riever,refuſis to do the ſamin,he ſalbe halden airt and partaker of his evill deedes,and ſalbe accuſed therefore,as the principall thiefe or riever, and als ſall reſtore, and ſatiſfie to the compleener the gudes reft or ſtollen fra him: And gif this compleener,after that he haue attached this thiefe, or delivered him, as ſaid is, wald concord with the ſaid thief,& take thieft-bute,and put him fra the Law: In that caſe, he ſall vnderly the Law, and be accuſed therefore,as principal thiefe or riever. And gif he attachis & accuſis him of the ſaide thieft or rieft, and beis found in innocent thereof: The ſaid compleener ſalbe halden and obliſhed to giue to the ſaid man, that he ſclanders innocently,ten pound for amendis of the ſaid ſclander.

FINIS

THE SECOND PARLIAMENT OF KING JAMES the Fifth, halden at Edinburgh the twentie fourt day of *Iulij*, the zeir of God, ane thouſand, fiue hundreth, twentie twa zeires.

3 *Anent the waird, reliefe, and mariage of the aires of them that deceaſe in the hoaſt moved contrair* Engliſh-men, *or the traitours of the Realme*

THE Quhilk day my Lord Governour, with adviſe of the three Eſtaites of the realme, hes ſtatute and ordained in this preſent Parliament: That gif ony man be ſlaine or hurt to death, in hoaſt or army, againſt our auld enemies of *England*, or traitoures of *Scotland*, in perſewing or defending now in time of weir moved, or to be moved, betuixt this Realme, and the Realme of *England*: In that caſe, the aires of them that ar ſlaine, ſall haue the waird, reliefes, and mariages

riages of the Kingis grace, and my Lord Governour free, diſpenſand with their age, quhat eild that ever they be of: To be applyed to the vtilitie of the wiues, aires, & bairnes of them that ar ſlaine, for the vp-hald and ſuſtentation of the ſaidis wiues, aires, and bairnes: Swa that throw the deceaſe of their husbandes, they remaine not alluterlie in povertie and diſſolution. And in likewiſe, all the Lordes, Spirituall and Temporall, hes conſented, and conſentis, that all perſones that haldis lands of them, that beis ſlaine or hurt to death, as ſaid is, ſall haue, and bruik the priviledge of the Acte: And alſwa, all vaſſalles, and ſub-vaſſalles, that haldis landes of Barronnes, or vther their Over-lordes, and happenis to be ſlaine or hurt to the death, in the ſaid hoiſt or armie, their wiues, aires and bairnes, to bruik the effect and priviledge of the ſaide Act, as is before written. And that letters be direct thereupon in dew forme, as effeiris.

4 *Anent the tackes and ſteadinges of them that ar ſlaine, as ſaid is.*

ITEM, It is ſtatute and ordained, be the haill three Eſtaites of Parliament, that quhatſumever tennent, Gentle-man vnlanded, or zeaman, havand tackes or ſteadinges, of ony Lordes or Lairdes, Spirituall or Temporall, that happenis to be ſlaine be *Engliſh-men*, in our Soveraine Lordis armie or ſervice, or gettis deathis woundes, in the ſamin: The wiues and bairnes of them that ſall happen to be ſlaine or wounded to the death, as ſaid is, ſall bruik their tackes, maillinges, or ſteadinges, for their ſuſtentation, during the ſpace of fiue zeires, nixt after the ſlauchter or wounding to death, of the ſaidis tennents, greſſoume frée: Payand allanerly but mailles, dewties, and ſervice auchtand woont.

FINIS

THE

THE THRIDE PARLIAMENT OF KING JAMES the Fifth, halden at Edinburgh, the twentie twa day of *Ianuar*, the zeir of *God, ane thouſand, fiue hundreth*, twentie aucht zeires.

5 The maner of arreiſtments to be maid be the Crowner.

ITEM, It is ſtatute and ordained, that Crowners in making of their arreiſtmẽts, ſuld paſſe to the habitation and dwelling place of perſons, given them in portuous, indicted to the aires, and thereafter make open proclamation at their Paroch Kirks, vpon Feſtuall daies, quhilk ſuld ſtande for ſufficient arreiſtment, how be it it maid na mention in the ſaid acte, gif the ſaidis perſones were ſtreinzieable for the vnlaw, or not: Quhair-throw, our Soveraine Lorde, hes bene greatly defrauded be the Crowners, in halding of his laſte juſtice aires, and giving of all vagaboundes and divours, not being diſtreinzieable for the vnlaw: Therefore it is ſtatute & ordaned, that in all times cumming, that quhair the Crowners makis ony ſik arreiſtments vpon perſones at their dwelling places: And thereafter at their Paroch Kirkes, that they take ſicker ſovertie of them, ſik as they will ſtand for, to the Kingis Grace: And gif that the ſaidis perſones ſwa arreiſted, be not ſtreinzieable, that the Crowner arreiſt their gudes, and put the ſamin in ſure keiping, to the Kingis vſe, quhill the ſaid ſovertie be foundin: Or elſe take their perſones, and put them in the Kingis Caſtell, if ony be within the Schire: And gif there be na Caſtell to the Schireffe of the Schire, according to the actes of Parliament maid therevpon of before: And failzieing thereof, the Crowners to anſwer to our Soverain Lord, for their vnlaw.

6 The maister suld answer for his man in the Iustice aires.

ITEM, It is statute and ordained, that everie Lorde, Barronne, and Free-halder, answere in our Soveraine Lordis justice aires, for his awin men, dwelling vpon his awin proper landes, tackes, steadinges, rowmes and Barronnies within the Schire quhair he dwellis, and salbe halden to enter them to the Law, or else to answere to the Kingis Grace for their vnlaw, in all times cumming.

7 The sovertie may be called for assyithment to be maid to the partie.

IT EM, It is statute and ordained, that quhair ony person or persones happenis to take them to our Soveraine Lordis remissiones, respet, or composition in the justice aires, or justice courts, for ony action, except slauchters, or mutilations, and finds sovertie to assyith the partie: It salbe lesum to the partie to call the saidis soverties, quhen they please, before the Lordes of Councell therefore: Quhilk actions salbe priviledged to be called in all times, baith in the Session, and out-with the Session: Sick-like as recent spuilzies. And as for slauchter and mutilation, to keip the ordour of the act maid therevpon of before.

All Burning and fire-raising is treason.

ITEM, Anent the artickles of slauchters, murthers, burninges: It is statute and ordained, that the actes maid there-vpon of before, and the auld lawes be keiped, with this addition, that quha cummis & burnis folkes in their houses, and all burninges of houses and cornes, and wilfull fire-raisings, be treason, and crime of lese-majestie: Because sik deeds ar exorbitant, and mair against the commoun weill, then many vther crimes: And that particular justice courts, or generall justice aires, be set thereto, as sall please the Kingis Grace, his Councell, and the justice for the time, with their consent: Providing that it salbe leiffull to ony man to persew and follow commoun thieues and rebelles to take them: And gif they enter in ony house, that it salbe leiffull to invade, breake, and destroy the saids houses, be fire, or vtherwaies, to the intent and effect of taking or slaying of the said commoun thieues or rebelles, for quhilk, there sall follow vpon the doers, na paine of accusation, crime, nor offense, bot to be free thereof in all times.

FINIS

THE

THE FOVRTH PARLIAMENT OF KING JAMES the Fifth, halden at Edinburgh, the seuenth daye of *Iune*, the zeire of God, ane thouſand, fiue *hundreth, threttie fiue* zeires.

8 *Againſt them that ſuſteinis the proces of curſing, abone the ſpace of fourtie daies.*



LSWA, becauſe the damnable perſwaſions of Heretickes, and their perverſed doctrine, giues occaſion to lichtlie the proceſſe of curſing, and vthers Cenſures of Halie Kirk: For remeid hereof, our Soveraine Lorde, in this preſent Parliament, hes ratified and apprieved, and of the new, makis, conſtitutis, and ordainis, the acte maid of before be his grace, with the adviſe of the three Eſtaites of his Realme, in his foreſaid Parliament, againſt them that ſuſteinis contemnandly the proces of curſing, with new addition thereto, of the quhilk acte and addition the tenour followis.

ITEM, It is ſtatute and ordained, that becauſe mony and diverſe of the Kingis lieges of this Realme, lyis vnder the horrible ſentence of curſing, ſeparate fra the Prayer of the Kirk, and merite of the bloude of Chriſt, to the damnation of their ſaules, evill example, perrell and danger of the vther gud ſubiectes of the Realme: Therefore quhen ony of our Soveraine Lords lieges ſuſteinis damnablie the ſaid horrible ſentence of curſing, for the ſpace of fourtie daies, quherevpon Caption aucht to be given be the Law: The partie, at quhais inſtance the perſons ar curſed, ſall haue our Soveraine Lordis letters to poynd, appriſe, and di-

diſtreinzie their gudes moveable and vn-moveable, for paymente of the ſummes, for quhilkis they lay vnder the ſaid ſentence, and gif the ſaidis perſones lyis vnder curſing be the ſaid ſpace, for none-doing or fulfilling of ony act or deede: in that caſe the perſones their creditoures ſall haue letters in the firſt, ſecond, thrid, and fourth formes, according to the Ordinares letters of curſing. And this acte alwaies to be na prejudice to them that likis to take captions: And albeit ane perſone may be vnder appellation, that may ſtop the giving of ſik letters, in maner abone written: It is declared and ordained, that na appellation fra ſentence of deſertion of appellationes before interponed, ſall ſtoppe the giving of ſik letters.

9 For planting of Wooddes, Forreſtes, and Orchardes.

ITEM, For policie to be had within the Realme, in planting of Wooddes, making of Hedges, Orchardes, zairdes, and ſawing of broome: It is ſtatute and ordained be the Kingis grace, and his three Eſtaites of Parliament, that the actes maid there-vpon of before, be King *Iames* the Firſt, and vthers our Soveraine Lordis Progenitoures, be obſerved, keiped, and put to ſharpe execution in all poyntes, with this addition: That everie man Spirituall and Temporall, within this Realme, havand ane hundreth pounde land of new extent be zeir, and may expend ſameikle, quhair there is na wooddes nor Forreſtes, plant woodde and Forreſt, and make hedges, and haning for him ſelfe, extending to three aickers of land, and abone or vnder, as his heritage is mair or les, in places maiſt convenient: And that they cauſe everie tennent of their landes, that hes the ſame in tack or aſſedation, to plant vpon their on-ſet zeirly, for everie marke land, ane tree. Ilk Laird of ane hundreth pound lande, vnder the paine of ten pound, and leſſe or mair, after the rate and quantitie of their lands. And that inquiſition be maid zeirly herevpon, as the Kingis Grace ſall thinke it maiſt expedient: And that euerie man begin and cauſe planting to be maid the nixt ſeaſon hereafter following, vnder the paines foreſaids, to be raiſed and in-brocht to the Kingis Grace vſe, be the Schireffe of the Schire, or quhom it pleaſis his Grace to direct his Commiſſion to in that parte, and that cognition be tane zeirlie of the breakers of this ſtatute, be everie Schireffe in his awin Schire, zeirly at his head court after *Paſche*.

10 The paines of the deſtroyers of Wooddes, and makers of Mureburne in forbidden time.

ITEM, For the puniſhing of them that deſtroyis greene Woodde, incontrair the tenour of the acte abone written: It is ſtatute and ordained for keiping of the ſamin: That all deſtroyers of greene woodde, be cutting, pealing, burning or felling, and ſik-like of all new haninges, ſall be accuſed therefore conforme to the actes and ſtatutes maid thereupon of before, and the paine thereof, ſalbe in times cumming, for the firſt time, ten pounde, the ſeconde time twentie pounde, and the thride time

death. And ſik-like the vnlaw of Mure-burne, after the Moneth of *March*, incontrair the auld actes and ſtatutes, ſalbe in time cumming for the firſt time, fiue pound, the ſecond time, ten pound, and the thrid time twentie pound: And ſwa foorth at ilk time, als oft as they be foundin culpable, twentie pound. And gif they be not reſponſal in landes or gudes for the ſaid vnlaw, their perſones to be put in the Kingis Grace priſon, to be puniſhed for their fault, induring his grace will: And to be called heirefore at particular diettes, or general juſtice aires, as the kings Grace ſall thinke maiſt expedient. And it ſall not be leſum to the Theſaurers, or Compoſitoures in times cumming, to compone or fine with the breakers of this acte, for leſſe then the paine and vnlaw conteined in the ſamin.

11 Cattle or gudes found within Forreſtes, may be eſcheitted,

ITEM, For keiping of all Forreſtes, Wooddes and Parkes, within the Realme, for wilde beaſtes and hunting: It is deviſed, ſtatute and ordained, that al maner of perſones, claimand them to haue offices of heritage, or tackes of the Kingis Grace Forreſtes, ſalbe called at ſik day and place, as pleaſis the Kingis Grace for production and ſchawing of their richtes and infeftmentes, be the quhilkis they claime the ſaidis offices to perteine to them, to be ſeene & conſiddered be the Lords of Councell, and quhat clauſe they conteine: ſwa that gude rule and ordour may be put to them, for keiping of the ſaidis Forreſtes in time cumming; with certification, that quhidder they compeir or not, the Kingis Grace with adviſe of his Lordes, will diſpone vpon the ſaidis offices, and make ſik conſtitutions, as pleaſis his hieneſſe, for the gude keiping of the ſame, paſturing of wilde beaſtes, and hunting there-intill in times cumming. And als ordainis letters to be direct, to command and charge all maner of perſones claimand the ſaidis offices, to perteine to them in heritage or tackes, that they let na maner of gudes, nolt, ſcheepe, horſe, meires, or vther cattle to be paſtured within the Kingis Grace Forreſtes, vnder the paine of tinſell of their offices, and eſcheitting of their moveable gudes. And gif ony maner of perſon be foundin putting their gudes in paſturing in the ſaidis Forreſtes, that they be taken and brocht to the Kingis Grace priſon, and their gudes foundin in the ſaidis forreſtes, to be eſcheit to the Keipers thereof, and in-brocht, the twa part to the Kingis Grace vſe, and the thrid part to the keipers of the ſaidis Forreſtes. And gif they be negligent and foundin culpable, to be called and puniſhed therefore in their perſones and gudes, and tinſell of their offices. And gif there be ony Barronne or vther landed man, outher Spirituall or Temrall, that hes haned wooddes or forreſtes of their awin: It ſalbe leifful to them, and the keipers thereof, to eſcheit all ſik gudes, that beis foundin in maner foreſaid, within their forreſtes, to their vſe.

12 For breakers of dowcattes, cunningaires, parkes and ſtanckes.

ITEM, It is ſtatute and ordained, that all they that breakis dowcattes, Cunningaires, Parkes, ſtanckes, and takis or ſtealis foorth of the

ſamin

ſamin, Daes, Raes, Cunninges, Dowes, Pykes, fiſh, Hives and Bees, without ſpeciall licence of the awner thereof, ſalbe called and puniſhed therefore, as for thieft at particular diettes: And this acte to extend to them that ar airt, pairt, or giues aſſiſtance to ſik miſdoers.

13 Of ſlaying of Hares.

ITEM, It is ordained, that the act maid of before, for ſlaying of Hares, be obſerved and keiped in all poyntes.

14 The life-renters, and the Wardaters, ſuld finde caution to the proprietares and minors.

ITEM, Becauſe it is vn-profitable and invtile, to make lawes and ſtatutes for policie to be had, without the ſame be keiped: And becauſe ſik ordour and proviſion, as is deviſed for policie, may failzie be falling of landes in warde, or giving of the ſamin in conjunct-fee or life-rente: Therefore the Kingis Grace, with adviſe of his three Eſtaites, ordainis the acte maid thereupon, be the maiſt excellent Prince, King *Iames* the Fourth, his Father of maiſt noble mind, to be obſerved and keiped in al poyntes, ratifies and apprievis the ſamin. And that all Schireffes, Stewardes, Baillies, and vther officiares, baith in Regalitie and Royaltie, and ſiklike Spirituall men within their landes, and to Burgh, put the ſamin to execution in all poyntes: That is to ſay, All Officiares within the the Royaltie, and Lordes of Regalities, vnder the paine, of refounding to the heritoures of ſik landes fallen in warde, at their perfite age, of all damnage and skaith, that they ſall happen to ſuſteine throw their negligence (they being required thereto be the perſones, that is in warde or his friends.) And if the wardatours, Ladies of conjunct-fee, or life renter of ſik landes, refuſis to finde ſovertie conforme to the ſaid act (they being required thereto) be the Schireffe, Baillie, Stewart, Proveſt, or Alderman in Burgh: That the ſaid Schireffe and Officiares, ilk man within his awin boundes, charge them to finde the ſaid ſovertie, conforme to the ſaid acte perſonnally, or be open proclamation at the head burgh of the Schire, quhair the ſaids landes lyes, within twentie ane daies, nixt after they be charged thereto, vnder the paine of wanting of the profite of all ſik warde landes, conjunct-fee, and life-rentes, to be in-brocht to the Kingis vſe, ay and quhill the ſaid caution be ſufficientlie foundin. And that the Lordes Auditoures of the Checker, and Theſaurer for the time, inquire diligently in everie Checker, that all Schireffes and vthers Officiares foreſaid, at the making of their compts, gif the ſaid caution be ſufficientlie foundin, and get certification thereof.

15 Of read-fiſh, Smoltes, and of ſlaying of Salmond in forbidden time.

ITEM, Our Soveraine Lorde, ordainis the actes maid vpon them that ſlayis reade fiſh, Smoltes, and Salmonde in forbidden time, and the

paines conteined in the ſame, to be put to ſharp execution, with this addition following: that is to ſay, it ſal not be leſum to the theſaurer & cõpoſitoures in times cumming, to compone or fine in judgement, or out of Iudgement, with the breakers of the ſaidis actes, for leſſe then the paine and vnlaw conteined in the ſamin. And that dittay be tane vpon all them that ar airt and pairt, cauſers or receipters of the ſlaying of the ſaid reade fiſh, Smoltes and Salmonde in forbidden time, ſik-lik as vpon the principall ſlayers thereof. And becauſe the lang delay of juſtice aires, gives greate occaſion of the breaking of the ſaidis actes: Therefore the Kingis Grace ſall ſend ane Commiſſion generally, with the Iuſtice Clerke, and ſik vther perſones, as ſal pleaſe his Grace to depute thereto, for halding of particular diettes zeirly, in the places quhair the ſaid fiſh ar ſlaine, and ordainis all ſik perſones to be arreiſted to the firſt aire, to compeir vnder the paine of rebellioun and putting of them to the horne, and gif they compeir not, to put them to the horne, and denunce them our Soveraine Lordis rebelles: And that ſik ordour of arreiſtment of ſik perſons be keiped, as it were in a generall aire.

16 Of Cruves and zaires.

ITEM, That the acte maid be our Soveraine Lordis Father, quhome god aſſoilzie, & vthers his Progenitours, anent the halding of cruves and fiſh zaires, be obſerved, keiped, and put to execution in al poyntes, with this addition: that the receipters and aſſiſters to ſik perſones, incur ſik-like paine as the principalles. And that ſik-like proces be had againſt them, as is deviſed and ſtatute againſt the ſlayers of reade fiſh, Salmond and Smoltes.

17 For hoſtellares and travellers in the Cuntrie.

ITEM, It is ſtatute and ordained, that the Actes maid of before, be King *Iames* the Firſt, and vthers our Soveraine Lordis Predeceſſoures be obſerved, keiped, and put to execution in all poyntes. And for eſchewing of exorbitant prices tane of the Kingis lieges, trawelland throw the Realme, and of the prices of victualles, fleſh and fiſh: It is ordained, that letters be direct, to commande and charge all Proveſtes, Aldermen, Baillies and officiares of Burrowes, baith to Regalitie and Royaltie, and als Lordes and vthers Barronnes, that hes Burgh in Barronnie, and hoſtellares on their landes: that they cauſe hoſtellares baith to Burgh and to lande, ilk man within him ſelfe, and boundes of his office: To haue honeſt chalmers and bedding, for receiving of all paſſengers and ſtrangers, paſſand and trawelland throw the Realme, weill and honeſtlie acculterd, with gude and ſufficiente ſtables, with heck and manger, corne, haye, and ſtraa, for their horſe, fleſhe, fiſhe, breade and aile, with vther furniſhing for travelloures, to be ſaulde vpon ane competent price, and ſik-like ſtuffe, as is ſauld commonly in the cun-

cuntrie about,quhair ſik hoſtellares dwellis.And that they ſet zeirly prices thereupon,as the ſaid hoſtellares may liue and ſuſteine their ludgeinges,vnder the paine to be called,and puniſhed therefore,at the Kingis Grace will. And that dittay be tane herevpon, vpon the breakers of this ſtatute,to be called at generall juſtice aires, or vther particular diettes, quhen the Kingis grace pleaſis.

18 Of ſtudes and ſtude places.

ITEM,It is ſtatute and ordaned,for the commoun weil of the realme, that al maner of perſones havand ſtudes and ſtude places,within this Realme, make the ſamin to be pleniſhed with ſtude meires, and greate ſtallounes, for furniſhing of Horſe to all maner perſones within the Realme.

19 That no man ſell Nolt nor ſchiep to Engliſh-men, *nor ſend victualles,fiſh, nor ſalt in* England.

ITEM,Becauſe ane greate part of the Realme, and ſpecially neare the Bordoures, hes bene thir mony zeires by-gane, in our Soveraine Lordis leſſe age vnpleniſhed,and ane great part of the In-land ſpuilzied of their guds,& the ſame had & ſauld in *England*,be the thieves and traitoures,quhair-throw all maner of ſtuffe hes growen to ane great price and dearth: And now our Soveraine Lorde, putting ordour of juſtice, reſt,and tranquillitie amangſt his lieges, and that plentie of gudes may grow amangſt them: Hes ordained and ſtature, with the adviſe of his three Eſtaites in Parliament, that na maner of men in time cumming, ſel Nolt,Scheepe,or vther cattle,auld nor zoung,to ony *Engliſh-men* be himſelfe,or ony vther mediate perſon, nor haue or ſende the ſamin in *England* to be ſauld: And that na maner of men ſend into *England* victualles,fiſhe,or ſalt, vnder the paine of confiſcation of all their moveable gudes.And that all Wardens, Proveſtes,Baillies of townes, and keipers of Portes and Havens within the Realme, make diligence ſearch and ſeeke the breakers hereof, vnder the paine of tinſell of their offices, and priſoning of their perſones zeire and day, induring the Kingis Grace will.And gif ony *Engliſh-man* will cum into this Realme, with their Schippes,to bye victualles,fiſh or ſalt,the Kingis grace ſall grant to them his ſafe-conduct to do the ſamin,if his grace thinks the ſamin expedient: And the ſaide ſafe-conduct being obteined: It ſalbe leaſum to all merchandes,and vthers within the Realme, to ſell ſik merchandice to the ſaidis *Engliſh-men*, for golde and ſilver, or to bartour with vther gudes ſufficient Merchandice.

20 Fore-ſtallers.

ALSWA, It is ſtatute and ordained, that na Fore-ſtallers be found in bye and victualles,fiſh,fleſh,or vther ſtuffe, or the ſamin be preſented to the mercat, nor zit into the mercat, or the time of day, ſtatute

and ordained thereto, vnder the paine of priſoning of their perſones, and eſcheitting of all ſik gudes coſt or arled be them, that is to ſay, the twa part to the Kingis grace, and the thrid part to the Schireffe or Officiar of the Schire, Proveſtes, Baillies, and officiares of the Burrowes, to ony vther that findis them doing in the contrair hereof.

21 *All Beggers ſuld begge within their awin Paroch, and haue the marke thereof.*

ITEM, For refraining of the multitude of maiſter-full and ſtrang beggers: It is ordained, that the acte maid therevpon of before, be King *Iames* the Firſt, apprieved, and ratified be vthers our Soveraine Lordis Predeceſſoures, be obſerved, keiped, and put to ſcharpe execution in all poyntes, with this addition: That na beggers be thoiled to beg in ane Parochin, that ar borne in ane vther, and that the headeſ-men of ilk Parochin, make takinnes & giue to the begers thereof, and that they be ſuſteined within the boũds of that parochin, & that nane vthers be ſerved with almous within the boũds of that parochin, bot they that bearis that takinne allanerlie, vnder the pains cõteined in the ſaid act. And that the Iuſtice Clerke make inquiſition, and take dittay herevpon at everie juſtice aire. And als ordainis letters to be direct to command and charge the Proveſt and Baillies of *Edinburgh*, and all vthers Proveſtes, Baillies of Burrowes, Schireffes, and vthers Officiares of the Kingis, to put this acte to execution in all poyntes, and the ſamin to be publiſhed at all places neidfull, ſwa that nane ſall pretend ignorance, or alleage they knew not the ſamin in time to-cum

22 *The maiſters of the Girth, ſuld make deputes, quha ſuld deliver male-factoures, that may not bruik the priviledge thereof.*

ITEM, For the mair haſtie expedition, and puniſhing of them that committis ſlauchter vpon fore-thoucht-fellonie, and fliys to Girth, conforme to the acte of Parliament maid there-upon of before, quhilk oft-times takis nane effect, throw pretenſe of excuſe of the maiſters thereof, Spirituall men that will not deliver the ſaidis treſpaſſoures to OVR SOVERAINE LORDIS Officiares, conforme to the tenour of the ſaide acte: Herefore it is ſtatute and ordained be the KINGIS GRACE, with adviſe and conſente of the three Eſtaites of Parliamente, that all Maiſteres of Girthes within this Realme, ſall make ſufficient reſponſall men, Baillies or Maiſters of Girthes, vnder them, dwelland at the ſaidis Girthes or neare thereby, quha ſalbe halden in all times cumming, to deliver all Committers of ſlauchter vpon fore-thoucht-fellonie, that flies to Girth, and vthers treſpaſſoures that breakis the ſamin, and may not bruik the priviledge there-

thereof, conforme to the commoun Lawe, and Acte of Parliamente foreſaide, to OVR SOVERAINE LORDIS Officiares, askand and deſirand them to vnderly the Lawe, conforme to the ſaide Acte of Parliament. And gif the ſaidis Baillies failzies there-intill, to be rigourouſlie puniſhed for their contemption, in their bodies and gudes, at OVR SOVERAINE LORDIS will. And that all maiſters of Girthes, Spirituall men, ſende to the juſtice Clerke, the names of their Baillies and maiſters of Girthes depute, and to be depute be them, that quhen ony ſik crimes ar committed and done, that Letters may be direct to all Schireffes, Baillies, or Stewartes, within quhais boundes the ſaidis Gyrthes ar, to charge the ſaids Baillies or maiſters, to deliver to them the ſaidis treſpaſſoures, conforme to the acte of Parliament.

23 Anentis merchandes that ſaillis in-contrair the Actes maid of before.

ITEM, It is ſtatute and ordained, be the Kingis Grace, and three Eſtaites of Parliamente, that the Acte and ſtatute maid be vmquhile OVR SOVERAINE LORDE, King IAMES the Thrid: And als ratified & apprieved, be vmquhile OVR SOVERAIN LORDE that laſt deceaſed, of gude minde, quhome God aſſoilzie: touching merchandes paſſand with their merchandice foorth of the Realme, to *France*, *Flanders*, or ony vther partes: That na merchand ſaill, without he haue ane halfe laſte of gudes of his awin, or elſe in governance, as factour to vther Merchandes, be put to execution in al points, in time to cum, after the forme and tenour of the ſamin. And ratifies and apprievis the ſaid acte and ſtatute now in this preſent Parliament. And attour, ordainis the Proveſt or Baillies of Burrowes, ſituate at ilk Porte of the Realme, to ſearche and ſeeke the perſones, breakers of the ſaidis ſtatutes: And that they diſtreinzie ilk perſon breaker thereof, for the ſumme of twentie pound, to be applyed on this wiſe. That is to ſay, th'ane halfe to OVR SOVERAINE LORDS vſe, and th'other halfe to the Proveſt or Baillies for their laboures: And that they make compt thereof zeirly in the Checker. And gif the Proveſt or Baillies be negligent in the exercing of their offices, and power given to them: they ſalbe oblíſhed to pay the ſaid paine of twentie pounde for everie man, that paſſis and ſaillis in contrair the ſaide acte at that Porte, quhair they haue juriſdiction: And als it is ordained, that na Schipper, Maiſteres, awners of Schippes, receiue onie Merchande to ſaille in their Schippes, without they haue the names of them in Tickettes, ſubſcribed be the ſaidis Proveſt and Baillies handes, vnder the paine foreſaide for ilk perſoun that they receiue in their Schippe, and that OVR SOVERAINE LORDIS Cuſtomers, or ony vthers, that pleaſis accuſe the ſaids Proveſte and Baillies, gif they be

negligent in the premiſſes, zeirly at the Checker. And letters to be direct hereupon in dew forme, as effeiris. And als, that letters be written to the Conſervatour of the Nation in *Flanders*, conteinand the effecte of this act, chargeing him to ſend hame the names of all Merchands reſort and there in everie Schip, incontrarie the tenour of the ſaid act, to the Theſaurer, vnder the paine of tinſell of his office.

24 That na Schip ſaill with Staple gudes fra Simons *day and* Iudes, *quhill* Candle-mes.

ITEM, our Soveraine Lord ordainis, the act maid be King *Iames* the Second, be the quhilk it is ordained, that na ſchip be frauchted out of the realme with ony ſtaple guds, fra the feaſt of *Simons* day & *Iudes*, vnto the feaſt of the *Purification* of our *Lady*, called *Candle-mes*, be obſerved, keiped, and put to execution in all poyntes, with this addition: That the paine of them that cummis incontrair hereof, ſalbe in times cumming, twentie pound, to be raiſed of ilk perſon, breakers of the ſaid acte: Except it ſalbe leiffull to ſend ony kinde of Merchandice foorth of the Realme, in the time foreſaide, in ony Schippes that bringis in Salt or Wine.

25 Of the chuſing of officiares in Burgh, and bringing of the compts of their commoun gudes zeirly in the Checker.

ITEM, Becauſe al our Soveraine Lords Burrowes ar put to povertie, waſted, and deſtroyed in their gudes and policie, and almaiſt ruinous throw fault of vſing of Merchandice, and that throw being of Outlandes men, Proveſt, Baillies, and Aldermen within Burgh, for their awin particular weill, in conſuming of the commoun gudes of Burrowes, granted to them be our Soveraine Lord, and his Predeceſſours, Kings of *Scotland*, for the vphald of honeſtie and policie within burgh: It is herefore ſtatute and ordained, that na man in time cumming, be choſen, Proveſt, Baillies, or Aldermen into Burgh, bot they that ar honeſt and ſubſtantious Burgeſſes, merchandes, and indwellers of the ſaid Burgh, vnder the paine of tinſell of their freedome, quha dois in the contrair. And that na man dwelland within Burgh, purchaſe Lordſhip out of Burgh, in ony his action or quarrell, to moleſt, trouble, or giue feare and dreddour to his nichtbour and partie, vnder the paine conteined in the actes and ſtatutes maid therevpon of before. And that all Proveſtes, Baillies, and Aldermen of burrowes, bring zeirly to the checker, at the day ſet, for giving of their compts their cõpt buiks, of their cõmon guds, to be ſeene and conſidered be the Lords Auditours, gif the ſamin be ſpended for the commoun weill of the Burgh, or not, vnder the paines foreſaids. And that the ſaidis Proveſt, Baillies, and Aldermen of everie Burgh warne zeirly, fiftene daies before their cumming to the Checker, all they quha likis to cum, for the examining of the ſaidis

compts

compts, that they may argunne and impugne the ſamin, as they pleaſe, ſwa that all murmure may ceaſe in that behalfe.

26 That na man trouble nor moleſt Proveſt, Aldermen, Baillies, and officiares within Burgh.

ITEM, It is ſtatute and ordained, that na man, Earle, Lorde, Barronne, or vther of quhat-ſum-euer degree about and adjacent nichtboures to Burrowes, moleſt, trouble, nor inquiet the Proveſt, Aldermen, Baillies and officiares of burrowes, and merchandes thereof, in vſing of their Franches, liberties, and priviledges, granted to them be our Soveraine Lord, and his Predeceſſoures, Kingis of *Scotland*, and in contrair the acts and ſtatutes maid thereupon, vnder the paine to be called and accuſed as commoun oppreſſoures of our Soveraine Lordis lieges, at generall Iuſtice aires, or private diettes, and Iuſtice courtes, as ſalbe thocht expedient be the Kingis grace: And that the Iuſtice Clerke take inquiſition and dittay hereof, as effeiris.

27 That na man ride, bot in ſober maner.

ITEM, It is ſtatute and ordained, that becauſe there hes bene great inconvenients and trouble wrocht in the cuntrie, be great perſones, throw convocation of the Kingis lieges, at courts and gadderings that therefore na perſons tak vpon hand to ride to ſik courts & gadderings, with maa perſones, then they may ſuſteine in houſhalde dailie, excepte that it ſalbe leiffull to Schireffes, Stewardes, Baillies, and vtheris the Kingis Officiares, to ride with greater number, for the execution of juſtice, and foorth-bearing of the Kingis authoritie. And quha ſo dois in the contrair, ſalbe called therefore incontinent, at our Soveraine Lordis inſtance, to be puniſhed therefore in his perſon and gudes, at his Hieneſſe will.

28 For Malt-makers.

ITEM, Becauſe our Soveraine Lordis lieges, inhabitants in the burgh of *Edinburgh*, and vthers repairand thereto, ar greatlie oppreſſed and injured be the malt-makers of *Leith*, and vthers, within and about the ſaid Burgh, in ſelling of their malt to hie and exorbitant price, for foure, fiue, or ſex ſhillinges higher, then they bye the Beare: Therefore it is ſtatute and ordained, that the ſaidis Malt-makers in time cumming, ſaill make and ſell their Malte for competent winning, takand twa ſhillinges allanerly mair for the boll of Malt, then the boll of beare is ſauld, and not abone: with certification, that quha cummis in the contrair hereof, That the Proveſt and Baillies of *Edinburgh*, ſall eſcheit the ſaid Malt: And the ſaide Malt-makers takand mair then twa ſhillinges for the boll, abone the boll of Beare, quhilk ſall make the different price, ſalbe called and puniſhed therefore, as oppreſſoures of the Kings lieges, and particular juſtice Courtes ſalbe ſet to them therefore. And our Soveraine Lorde ſal giue Commiſſion to ſik as pleaſis his grace beſte,

to

to call all the ſaide Malt-makers, breakers of this ſtatute and acte, before them in the Tolbuith of *Edinburgh*, to do juſtice vpon them, as they thinke expedient: And to cauſe the ſaid act and ſtatute to be obſerved, and keiped in all poyntes.

29 *Of craftef-men, browſters, ſellers of ſalt and victuall within burgh.*

ITEM, Becauſe the great oppreſſion dailie done vpon our Soveraine Lordis lieges, be Cordoners, Smithes, Baxters, Browſters, and all vther Craftef-men, ſellers of victuall and ſalte, compelland them to pay for their ſtuffe and warke-manſchip exorbitant prices, to the greate skaith of al our Soveraine Lords lieges, bringand ſik dearth in the Cuntrie, that the ſamin may not be ſuſteined: And for remeid hereof: It is ſtatute and ordained, that our Soveraine Lord, ſall giue ane commiſſion to certaine his Lords and vthers, quhom his grace pleaſis beſt, to ſit, and with them the Proveſt of *Edinburgh*, and make ſik ſtatutes and ordinances, as they ſall thinke maiſt expedient for the commoun weill, to cauſe all craftef-men within the towne of *Edinburgh*, and vthers of the realme, to make gude and ſufficient ſtuffe, and ſell the ſamin of ane competent price, and to take competentlie for their warke-man-ſhip and laboures gif they woorke ane vther mannis ſtuffe and mater. And to make all ſellers of victuall or ſalt, to ſell the ſamin of ane gainand price without dearth: And quha dois in the contrair, to puniſh them with all rigour, and the ſaids Commiſſioners to do juſtice vpon the breakers of their ordinances, als oft as they heare murmure or complaint thereof, and to puniſh them in their gudes, as they finde the greatneſſe of the faulte, as effeiris.

30 *That na man ſaill into* Flanders, *bot twiſe in the zeir*

ITEM, It is ſtatute and ordained, for the honeſtie of the Realme, weill and profite of all our Soveraine Lordis lieges, and ſpeciallie his Burrowes and Merchandes of his Realme, that na Schip be frauchted, nor Merchandes ſaill therein, with their gudes and merchandice foorth of the Realme in *Flanders*, bot twiſe in the zeir, that is to ſay, to the *Paſche* mercat, & *Rude*-mercat, vnder the paine of ilk perſō cummand in the contrair hereof, twentie pound, to be raiſed and in-brocht to the Kingis Grace vſe.

31 *The life-rent of al vaſſalles, being zeir and day at the horne, perteinis to the immediate Superiour.*

THE quhilk day, in the mater referred be the Lordes of Seſſion to the Lords three Eſtaites of Parliament, for interpretation of certaine Lawes of the Realme, ſchawin and produced before the ſaidis Lordes of Seſſion, in ane action mooved before them, and zit dependand be *Iames Kennedie* of *Blairquhan*, againſt *Thomas Makclellane* of *Gyleſtoun*, for the mailles and dewties of the landes of *Caſtel-cruik* and *Killimanoch*, with the pertinents, lyand within the Schireffedome of *Wigtoun*, perteinand

nand to the ſaid *Thomas* in heritage, halden of the ſaid *Iames* immediatlie in chiefe, and throw his being at the horne attour zeir and day: The mailles and dewties of the ſaids lands, be the Lawes of the Realme, perteinis, and ſuld perteine to the ſaid *Iames*, for the ſaid *Thomas* life-time. And becauſe the ſaidis Lawes were variant in their ſelues, and therefore were referred to the interpretation of the Eſtaites of Parliament, gif the ſamin concernis ſimple ſlauchter or not, and ſuld haue place in that mater or not, as at mair length is conteined in the act maid herevpon, of the dait at *Edinburgh*, the fourth day of *March*, the zeir of God, ane thouſand, fiue hundreth, threttie foure zeires: Baith the ſaidis parties being perſonallie preſent with their Procuratoures & Fore-ſpeakers, the ſaidis lawes and vthers their reaſones and allegations being heard, ſeene, and vnderſtand, the Lords of artickles being ripelie adviſed therewith: finds that the vſe in times by-gane, hes bene, that the mailles and dewties of the landes of them that hes bene zeir and day at the horne, halden of vther Superiours then the Kingis Grace, zeir and day being by-paſte, returned againe to the ſuperioures of the ſaidis landes, for the life-time of them that ſuſteined ſik proces of horning zeir and day, as ſaid is: except crimes of treaſon, and leſe-majeſtie. And findis that the ſaidis Lawes ſuld be ſa interpreted and vſed in times cumming.

32 *Iuſtice aires ar peremptour at the ſecond diette.*

ITEM, Our Soveraine Lord, with adviſe of his three Eſtaites of Parliament, ratifies and apprievis the acte and ſtatute maid of before in his Hieneſſe Parliament, halden at *Edinburgh*, the tenth day of *Iulij*, the zeir of God, ane thouſand, fiue hundreth, and twentie fiue zeires, anentis the ſetting of juſtice aires to the ſeconde aire, as aire and court peremptour and vther poyntes conteined in the ſamin, with correction and addition, as after followis. ITEM, IT IS Statute and ordained in this preſent Parliament, becauſe the proces of Iuſtice aires, is ſa lang and prolixt, that in mony zeires, parties that ar hurte and grieved, gettis na juſtice, treſpaſſes & crimes paſſis vnpuniſhed, quhilk is occaſion of mony perſones to commit crimes, traiſting na haiſtie punition or correction: That therefore in time to cum, the proces of juſtice aires and juſtice Courtes be peremptour at the ſeconde aire or Courte, ſwa that fugitiues not compeirand at the ſeconde aire or court, ſulde be, and ſalbe denunced Rebelles, and put to his Horne, and all their gudes his eſcheit.

33 *The Crowner may arreiſt fugitiues at their dwelling places, and the Paroch Kirk.*

AND ALS, Becauſe mony perſones indicted to juſtice aires, ar charged with ſovertie to juſtice Courtes, vſis to abſent them & flee

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to call all the ſaide Malt-makers, breakers of this ſtatute and acte, before them in the Tolbuith of *Edinburgh*, to do juſtice vpon them, as they thinke expedient: And to cauſe the ſaid act and ſtatute to be obſerved, and keiped in all poyntes.

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33 *The Crowner may arreiſt fugitiues at their dwelling places, and the Paroch Kirk.*

AND ALS, Becauſe mony perſones indicted to juſtice aires, ar charged with ſovertie to juſtice Courtes, vſis to abſent them & flee

and

and may abſent them and flee, ſwa that Crowners cannot apprehende them perſonally to arreiſt them: In that caſe in all times to-cum, it ſall ſuffice the Crowner to cum to the dwelling place of the perſones indicted, and there make them warning and charge, that they compeir in the juſtice aire, then nixt to follow, to anſwer to ſik accuſations of crimes as ſalbe impute to them: And thereafter vpon the nixt *Sunday* or Feſtual day following the ſaide charge, that the Crowner make open and publicque intimation of his warning, charge, and premonition, maid to the ſaidis perſones be their names, in their paroch Kirkes, quhilkis charges, premonitions, and intimations ſall ſtande to them for ſufficient arreiſtmentes, the Crowner prievand the ſamin be his aith, and ane witneſſe, as auld conſuetude is. And in likewiſe, the Kings officiares makand warning to private juſtice courtes of ony perſones, for ony crimes not deſervand rebellion: In caſe of none-finding of ſovertie, that they keipe the ſamin ordour and proces, quhilk ſalbe halden and repute for ſufficient ſouertie foundin, vnder the paine of lawe, the action not beand for ſlauchter nor mutilation: And ordainis the juſtice Generall, vpon ony maner of crimes, committed, or to be committed, to ſet juſtice courtes particular, quhen neede is, for punition of particular faultes and crimes that occurris, ſik as recent ſlauchter, mutilation, fire, raviſhing of wemen. And as for depredations, maiſterfull riefes, and ſpuilzies, that particular diettes be ſet therefore, at the diſcretion of the Lordes, the mater being firſt civillie decided before them.

34. The perſewer ſuld finde caution for reporting the letters.

AND becauſe divers perſons in times by-gane, hes raiſed ſik-like letters to particular diettes, & hes abſented baith themſelves & the letters & hes not cum to perſew their actiõs, & there-throw hes abuſed the Iuſtice, and brocht the cuntrie to greate expenſes. For remeid hereof: It is ordained, that in times cumming, the keipers of the Signet, ſall anſwere na letters for calling of ony perſones and parties, to ſik particular diettes: bot gif the ſamin be ſubſcrived with the Clerke, writer to the Signet, and juſtice Clerk, and his deputes: And that the juſtice Clerk, or his deputs, ſal take ſicker ſovertie of the parties purchaſſers of ſik letters, that they ſal bring the ſamin againe to them, or the day ſet thereto, dewlie execute and indorſat, vnder the paines conteined in the letters, that the partie is called vpon.

AND Gif ony perſones be called vpon mutilation, and the ſamin be foundin na mutilation: The partie perſewer, ſall content and pay the vnlaw of ten pound, leſſe or mair, to the partie perſewed, and expenſes to the aſſiſe, at the diſcretion of the juſtice, and his aſſeſſoures. And gif ane partie callis ony multitude for ſlauchter, mutilation, or vther crimes at ſik particular diettes, quhairby the innocentes, ar put to great tròuble, charge, and expenſes, and it be foundin that the ſaid multitude is innocent

cent of the dead, the partie perſewer ſall pay ane vnlaw of ten poundes, leſſe or mair, to the partie perſewed, and expenſes to the aſſiſe, at the ſight and diſcretion of the juſtice, and his aſſeſſoures, as they thinke cauſe: And gif the purchaſſers of ſik letters, be not reſponſall in gudes, for payment of the ſaid expenſes, their perſones ſalbe put in priſon, and there to remaine, zeir and day, and further induring the Kingis Grace will.

35 The addition of the act of curſing,

ITEM, It is ſtatute and ordained, for augmenting, ſtrengthening and helping of the acte maid vpon curſed tolkes, and giving of the Kingis letters there-upon, and to meete frivole appellations: That the Kingis letters ſall haue place to poynd and diſtreinzie &c. Suppoſe it be dewlie appealed, zeir and day being by-paſt, the appellant not bring and hame his Commiſſion, within zeir and day, *Ceſſante iuſto impedimento.* And the partie quhome fore the Kingis letters ſall happen to be given, find and ſufficient caution before the Lordes of Councell, to refound the gudes and geare, that ſall happen to be poynded, be vertue of the ſaidis letters, gif it ſall happen the ſentence quhair-vpon the ſaidis letters ſalbe given, to be retreated be the judge delegat, notwithſtanding ony appellation therefra, the partie appellant beand warned and called, to heare the ſovertie and caution tane: And that the partie appellant, ſchawand before the ſaidis Lordes, the ſentence retractatour, letters be direct, to poynde the ſaidis ſoverties therefore.

FINIS

THE

THE FIFTH PARLIAMENT OF KING JAMES the Fifth, halden at Edinburgh, the xvij. day of Maij, the zeir of God, ane thousand, fiue hundreth, threttie seuen zeires.

36 *The institution of the College of Iustice.*

ITEM, Anent the second artickle, concerning the ordour of justice, Becauſe our Soveraine Lord is maiſt deſirous to haue ane permanent ordour of Iuſtice, for the vniverſall weill of all his Lieges: And therefore tendis to inſtitute ane College of cunning and wiſe men, baith of Spirituall and Temporall Eſtate, for doing & adminiſtration of juſtice in al civill actions: And therefore thinkis to be choſen certaine perſones maiſt convenient, and qualified therefore, to the number of fourteene perſones, halfe Spirituall, halfe Temporall, with ane Preſident: The quhilkis perſons ſalbe authorized in this preſent Parliament, to ſit and decide vpon all actions civill, and nane vthers to haue vote with them, vnto the time the ſaid College may be inſtitute at mair leaſure.

37 *The place quhair to ſit in, and of the Feriat times*

AND Thir perſones to beginne and ſit in *Edinburgh*, on the morne after *Trinitie* Sunday, quhill *Lamb-mes*: And thereafter to haue vacance, quhill the nineteene day of *October* nixt after, and then to begin and ſit quhill *Saint Thomas* Even afore *Zule*, and thereafter to begin on the morne after *Epiphanie* day, and ſit quhill *Palme-Sunday* Even, and thereafter to beginne vpon the morne after *Dominica* in *Albis*, and ſit quhill *Lamb-mes*.

38 The Lordes to beſworne.

AND thir perſones to be ſworne to miniſter juſtice equallie to all perſones, in ſik cauſes as ſall happen to cum before them, with ſik vther Rules and ſtatutes, as ſal pleaſe the Kingis grace to make, and giue to them, for ordouring of the ſamin.

39 The authorizing in Parliament.

THE Three Eſtaites of this preſent Parliament, thinkis this artickle weill conceived: And therefore the Kingis Grace, with adviſe and conſent of the ſaidis three Eſtaites, ordainis the ſamin to haue effect in all poyntes, and now ratifies and confirmis the ſame, and hes choſen thir perſones vnder-written, to the effect foreſaid, quhais proceſſe, ſentences and decreetes, ſall haue the ſamin ſtrenth, force and effect, as the decreete of the Lordes of Seſſion had, in all times by-gane.

40 The authoritie of the Chancellar and Lordes.

PROviding alwaies, that the Lorde Chancellar being preſent in this Towne, or ony vther place, he ſall haue vote, and be principall of the ſaid Councell. And ſik-like vther Lordes, as ſall pleaſe the Kingis grace to injoyne to them of his greate Councell, to haue vote ſik-like, to the number of three or foure.

41 The names of the Lordes.

THAT Is to ſay, the Abbot of *Cambuskenneth* Preſident, Maiſter *Richard Both well*, Schir *Iohn Ding-well*, Maiſter *Henrie Quhite*, Maiſter *Robert Schanwel*, Vicar of *Kirk-caldie*, Maiſter *William Gibſone*, Maiſter *Thomas Hay*, Maiſter *Arthure Boyce*, The Lairde of *Balwerie*, Schir *Iohn Campe-bell*, Maiſter *Adame Otterburne*, *Iames Colvill*, of Eaſt *Weemes*, the Iuſtice Clerke, Maiſter *Frances Both-well*, Maiſter *Iames Lawſon*. And thir Lordes to ſubſcriue all deliverances, and nane vthers, after they begin to ſit, and miniſter juſtice.

42 The Chancellar and Preſident, to receiue the aithes of the Lordes abſent.

ITEM, The ſaid day the Kings Grace hes committed his power to the Lord Chancellar and Abbot of *Cambuſkenneth* Preſident, conjunctlie and ſeverallie, to receiue the aithes of them that ar abſent, choſen, and named to be of this Seſſion, and in their abſences the aithes of ony vther, quhom his Grace will name thereto, gif the ſaidis perſones choſen cummis not betuixt this and *Satterday* nixt-to-cum. And in abſence of the Lord of *Cambuſkenneth*, Preſident, the Kings Grace hes choſen the Abbot of *Kinloſſe* to miniſter therein, quhill his returning.

43 *The Chancellar, Preſident, and Lordes of the Seßion, to make the ordour how it ſal be proceeded in their Seßione.*

ITEM, His Grace hes given command to the Chancellar, Preſident, and Lordes of the Seſſion, to adviſe, counſell, and conclude vpon ſik rules, ſtatutes, and ordinances, as ſalbe thocht be them expedient to be obſerved and keiped in their maner and ordour of proceeding at all times. And as they deviſe, conforme to reaſon, equitie and juſtice, his Grace ſall ratifie and apprieve the ſamin. And ordainis the ſaidis Lordes of Seſſion, to keip al thir aucht daies cummand, in adviſing & making of their rules and inſtitutes, for the ordour of juſtice: And after the forme of the ſamin, to begin and call maters on *Mononday* nixt-to-cum. And in the meane time, to deliver billes, and call priviledged ſummoundes, as they thinke expedient.

44 *The diviſion of the Realme quarterlie.*

IN The firſt, it is deviſed and ordained, that the Lordes of the Seſſion ſall begin quhair they left laſt in calling of the Table: And that the priviledged ſummoundes of everie quarter, ſalbe tabulat with the vn-priviledged ſummoundes of that quarter: And all to be called, and haue proces baith vpon priviledged and vn-priviledged, quhill that diet or quarter be ended: And to begin quarter after quarter, as after followis: And thir Schires to be in the firſt quarter, that is to ſay, *Forfar, Kincardin, Aberdene, Bamffe, Elgin, Forreſſe, Narne, Innernes,* & *Crommartie*: The ſeconde quarter, *Edinburgh, Linlithgow, Selkirk, Roxburgh, Peblis, Berwick*, and *Hadingtoun*: The thrid quarter, *Striviling, Aire, Renfrew, Lanark, Wigtoun, Drumfreis, Kirk-cudbricht*, and *Annand-dale*. The fourth quarter, *Fife, Perth, Clack-mannan, Kinros, Dumbartane, Ergyle* and *Bute*.

45 *That all ſummoundes priviledged, be called on* Mononday *oulklie quhilk followis, and horning all times.*

ITEM, It is deviſed and ordained, that thir ſummoundes vnder-written ſalbe priviledged, and to be called by the ordour of the diettes, that is to ſay: recent ſpuilzies, calling of letters, redeeming of landes, actes of adjornall, ſuperiours to heare them decerned to tine their ſuperiorities, reduction of inordinate proceſſe, that is to ſay, retreating of Rolmentes of courtes, led before Schireffes, Barronnes, Baillies, retreating of decreetes, and transferring of decreetes.: And thir to be called be them ſelfe, and to be called oulklie vpon *Mononday*. And gif *Mononday* beis halie-daie, to haue proces on the nixte day thereafter: And all thir to be called, except letters that concernis horning, quhilkis ſal haue proces at all times, as they cum.

45 *That all the commoun maters be called on all the daies of the oulk, except Friday, for the Kingis maters, and ſtrangers, and the Queenis maters.*

ITEM, All vther maters to be called be the ordour of the Table, vpon all the daies of the oulk, except Friday, quhilk is aſſigned for the kings maters, and the maters of ſtrangers. And gif the Kingis Grace nor ſtrangers hes na maters ado vpon Friday, then the commoun Table to haue proces, and ſik-lik the Queenis maters. And it ſalbe na exception to alleage, that the ſaid Friday is ordained for the Kingis maters.

46 *That all continuations be called at the daies aſſigned thereto.*

ITEM, That all continuations of proces before the Lordes, quhair acts ar paſſed, be called at the daies aſſigned thereto, for expedition of witneſſe, and eſchewing of expenſes.

47 *Anentis deliverance of cognition to Schireffes*

ITEM, It is deviſed and ordained fra thine foorth, that it be eiked in al deliverances direct to Schireffes, or vthers judges ordinares, that they admit to the parties their lauchfull defenſis, and to miniſter juſtice equallie to baith the ſaidis parties.

48 *The Councell-houſe to be reparrelled.*

ITEM, That ſeates be honeſtlie maid and covered with greene claith, flocked on the Kingis expenſes, quhair the Lordes ſall ſit, and ſall be maid ane buird, quadrangular, or round, about the quhilk there may ſit auchteene perſons eaſielie: And that there be maid ſeate vpon ſeate, and ane Bel to be hung to cal in the Maiſſers, or parties, as the Lords requiris.

49 *That all Lordes enter in the Tolbuith at aucht houres.*

ITEM, That all the Lordes ſall enter in the Tolbuith and Councell-houſe at aucht houres in the morning dailie, and ſall ſit, quhil elleuen houres be ſtricken.

50 *That the Councell-houſe be iſched after the entrie of the Lordes*

ITEM, Alſoone as the Lords be entred in the Tolbuith, that an Maiſſer iſche the Councel-houſe, and himſelfe ſall ſtande at the dure, and let na man enter. And gif ony Lord, or vther man cummis to the dure, and deſiris entreſſe, that he advertiſe the Lordes thereof. And gif they haue ony matèr they will propone, that ſilence be had, quhill they haue done, and then to remoove.

51 *That na man pley bot parties and their procuratoures.*

ITEM, That na man enter to pley, bot parties conteined in their ſummoundes, and their procuratoures, gif they will ony haue.

52 That Billes and continuation be first red, and sine the Table.

ITEM, Incontinent after the Lordes be entred and sittin downe, and all the house be isched: That all Billes be first red and exped. And gif there be ony actes of continuation of proces begun, that the samin be nixt called: And fra thine the Lordes beginnis to call ony mater, or act of continuation, that na Bill be received nor red: And fra time that ony summoundes be called be the Table, that na actes of continuation be called for that day: And that all parties, or their Procuratoures, deliver to the Chancellar, or President their billes, actes, and letters of continuation, or they enter in the Tol buith, or incontinent thereafter, at the charge or warning of ane Maister.

53 For examination of witnesse,

ITEM, That oulklie there be depute three of the Lordes of the seate in their towre: That is to say, the first oulk twa Spirituall, and ane Temporall, and thereafter twa Temporall, and ane Spirituall: And swa foorth oulklie, as they ar put in bill and ordour, to examine all witnesse: The quhilkis Lordes sall conveene everie day, as neede requiris, in the Councel house, at twa after noone, with the Clerke of the Councel, or ane of his Clerkes or writers, sworne and admitted be the Lordes, and sall remaine quhill foure houres in the examination of witnes, or schorter or langer, as neid beis: And all the parties, or their Procuratoures, be warned to bring their witnesse, at the saidis houres.

54 That all maters be called be the ordour of the Table.

ITEM, That na mater be called, bot be the Table, conforme to the statute abone written, maid and devised thereupon.

55 That silence be had in the Councel-house.

ITEM, That the Lordes bean sittin downe, and billes begun to bee red, that silence be had amangst the Lordes: And that na man commoun, or speake of ony mater, or rownd with his marrow, bot as he sall be required, and speired at be the Chancellar or President: And as they command ony twa Lords of the seate to argunne or dispute ony mater, that nanevther interrupt them, quhill they haue done: And then the Chancellar or President, to require onie vther to argunne the mater. And quhen they haue done, gif there be ony vther of the Lordes, that hes ony opinion, or argument to mak, that they aske leaue fra the Chancellar or President, and then to argunne, as they thinke expedient.

56 Of the giving of votes, and ordour thereof.

ITEM, All argumentes and disputations beand maid, and the Lords haldand silence, my Lorde Chancellar or President, sall aske or require everie Lordis vote in that mater, as they ar in the ordour be the actes

actes and buikes of Councell: Quhais names the Clerk of Councel ſall reade and name: And ſa ordourly the Chancellar or Preſident to aske everie Lords vote: And that nane argunne ane vther in the giving thereof.

57 That ten Lordes ſall remaine with the Preſident.

ITEM, In adviſing and giving of all ſentences and decreetes, there be ten Lordes at the leaſt, with the Chancellar or Preſident: And that nane of the Lords choſen and admitted, departe, or bide awaie, without licence asked and obteined fra the Chancellar or Preſident, in preſence of the haill Councell, for reaſonable cauſes: And that they returne againe at the day affixed to them. ITEM, that all publications of witneſſe, and vthers atteſtations, and examination of proces, be maid before the haill Auditour.

58 Execution of ſentence to be maid be Herauldes, Purſevantes, and Maiſſers.

ITEM, that all ſentences and decreetes of the Lordes, be execute in times cumming be the Schireffe of the Schire, or his deputes, quhair the parties dwellis, againſt quhom the ſaidis decreetes ar given, or ſall happen to be given: Or elſe be Herauldes, Purſevantes, or Maiſſers: And that nane take mair for the execution of their office, bot after the forme of the acte of Parliament, bot gif it be of benevolence of the partie, vnder the paine of deprivation of their office: And that they deny not to do their office, vnder the paine foreſaid, alſweill to pure, as riche.

59 Of the Clerkes of the Signet.

ITEM, That all Clerkes of the Signet be ſworne to exerce their offices lauchfullie and diligentlie. And that nane of them ſall reveale nor make manifeſt to ony man, quhat they write or dois for ane vther, bot ſall keip all cloſe and ſecreit.

60 Anent payment for Billes of complaint, and the Kings letters.

ITEM, That na Clerk of the Signet tak mair for the writing of ane bil bot aucht pennies. And for the writing of ane letter vpon ane decreit of the Lordes and deliverance, bot twentie pennies, nor for nane vther letter, mair then was vſed in our Soveraine Lordis time, quha laſt deceaſed, quhom God aſſoilzie, vnder the paine of tinſell of his office.

61 Anent the delivering of Billes.

ITEM, That na Clerke of the Signet enter in the Councell-houſe, for delivering of ony billes, bot that the deliverance be written be ane writer of the Councell: And to provide, that nane fruſtrate ane vther of his laboures and profite: That everie-ilk Clerke of the Signette, that writtis onie billes, marke the ſamin with his awin name in the bill,

writtin within, and the ſamin ſalbe delivered to him againe, or the partie, quhilk of them cummis to aske the ſaid bill, they payand to the writer of the deliverance, foure pennies.

62 That Maiſſers keepe counſell.

ITEM, That all Maiſſers be ſworne to execute their office faithfullie and diligentlie, and they ſall reveale na thing, that they ſall happen to heare commoned amangſt the Lords, vnder the paine of deprivation and infamie.

63 Quhat Maiſſers ſall take for their laboures.

ITEM, That na Maiſſers take mair fra ony partie, that happenis to obteine ane decreete in the Seſſion, bot twa ſhillinges: Bot gif the parties gives mair of their awin benevolence, vnder the paine fore-laid.

64 The number of Advocates, and their names.

ITEM, It is ſtatute and ordained, that there be ane number of Advocates and Procuratoures choſen, and to be choſen, to the number of ten perſones, that ſalbe called generall Procuratoures of the Councell, of beſt name, knawledge, and experience, admitted to procure in all actiones, of quhom the names followis: They ar to ſay, Maiſter *Robert Galbraith*, Maiſter *Robert Leſley*, Maiſter *Henry Spittle*, Maiſter *Iohn Letham*, Maiſter *Henry Lawder*, Maiſter *Thomas Kincragy*, Maiſter *Thomas Marioribankes*, Maiſter *William Iohnſtoun*: And gif ony vthers cunning men will deſire to be admitted to the office of Advocation and Procuration, they ſalbe received with adviſe of the ſaids Lordes, for compleitting of the ſaid number. And that thir Procuratoures foreſaidis, procure for everie man for their wages, bot gif they haue reaſonable excuſe.

65 Advocates to be ſworne.

ITEM, That all the ſaidis Advocates and Procuratoures choſen, or to be choſen and admitted, ſalbe ſworne to exerce faithfully and diligentlie the office of Aduocation and Procuration.

66 That all Advocates paſſe foorth of the Councell-houſe, quhen the Lordes paſſis to diſputation.

ITEM, It is ſtatute and ordained, that all Advocates and Procuratours ſall enter in the Councell-houſe, at the calling of all ſummoundes and acts, and remaine quhil the parties haue argunned and diſpute their maters at the Barre, & then to remooue quhen the parties ar remooved, and then to enter againe at the giving and pronuntiation of interloquutoures, quhen the parties enters.

67 Anent

67 *Anent exceptions dilatoures*

ITEM, It is ſtatute and ordained, anent proces and formalitie to be keiped be Advocates in pleying before the Lordes, that ane dilatour exception being proponed, and repelled be ane inter-loquutour of the Lordes, that the Advocates, Procuratoures, or parties be their ſelues, ſal propone the laue of their dilatoures at anis. And that nane Advocat nor Procuratour within the Bar ſtand to pley, bot paſſe out-with with the partie, except the Kingis Advocat.

68 *The Kingis gud minde anent the Lordes of the Seſsion.*

FOrſameikle as we for the great affection, that wee haue for juſtice to be done, and equallie miniſtrat to all our Lieges, hes in our laſte Parliament, choſen ane certaine of perſones, Spirituall and Temporall, to be vpon our dailie Seſſion, and to miniſter juſtice equalie amang all our Lieges, as ſaide is, after their conſcience and vnder- *Iura-*
ſtanding: And all the ſaidis perſones ar ſworne to do the ſamin: And als *mentū.*
at our command, they haue maid certaine ſtatutes and rules to be obſer- *Statuta*
ved and keiped be them ſelfe and vthers in their doinges, and proceeding for juſtice in all times. The quhilkis ſtatutes and rules we haue ſub- *Appro-*
ſcrived with our hand. Herefore we of our awin free motiue & proper *bata.*
will, ratifies and apprievis be thir preſentes, all and ſindrie the ſaidis ſta- *The*
tutes maid be our ſaidis Lordes of Seſſion in everie poynt. Attour, wee *Kingis*
promit to the ſaids Lords, that we ſal not be ony private writing, charge *promit*
or command at the inſtance of ony perſon, or deſire them to do vther- *not to*
waies in ony mater that ſall cum before them, bot as Iuſtice requiris: or *cum in*
to do ony thing, that may breake ſtatutes maid be them at our command *the cō-*
and doing of juſtice. Als wee ſall authorize, mainteine, and defende all *trair.*
the ſaidis Lordes, their perſones, landes and gudes fra all harme, wrang,
hurte, and injurie to be done to them be ony maner of perſon: And *Protecti-*
quha that dois in the contrair, ſalbe puniſhed with all rigour. *on for*

And becauſe the ſaidis Lordes choſen vpon our Seſſion, preſentis *the lords*
our perſon, and bearis our authoritie in doing of juſtice, Wee ſall haue *of the*
them, baith Spirituall and Temporall in ſpeciall honour and mainte- *ſeate.*
nance. And wee ſall giue na credence to ony man, that will murmure
them, or ony of them, be doing of wrang, or inhoneſtie: Bot they ſalbe *Na ſini-*
called before vs, and gif they be foundin culpable, to be puniſhed there- *ſter in-*
fore, after the qualitie of the fault and demerite: And gif they be foun- *formati-*
din cleane and innocent, the perſon compleening, ſalbe puniſhed with *on to be*
all rigour, and never to haue credite with vs againe. Attour, becauſe *hard a-*
the ſaidis perſones man awaite dailie vpon our ſaide Seſſion, except at *gainſt*
feriat times, and ſuld be therefore priviledged abone vthers: *the lords*

Here- *vncalled*

The Lordes free of al taxes & bearing of offices

THerefore we haue exeemed, & be the tenour hereof exeemis them, and everie ane of them, baith Spirituall and Temporall, fra all paying of taxes, contributions, and vther extraordinar charges, to be vp-lifted in ony times cumming, and fra the bearing of ony office or charge within Burgh, or out-with, bot gif it be their awin free will and consent.

The punition of the persons that faultes to the Lordes.

ITEM, We grant to our saidis Lordes of Session, that gif ony person or persones, dishonouris and lichtlies them, or anie ane of them, in ony maner of way: That they command and charge, and put that person or persons in warde in our Castel of *Edinburgh*, or ony vther our Castelles they please, to remaine quhill they haue maid satisfaction for the fault, at the saidis Lordes consideration, gif the fault be small and injurious: And gif it be greate, quhill they advertise vs thereof, that wee may gar the samin be amended, and punishment maid therefore, as effeirs.

The subscription.

AND This our ratification & approbation promit & grant of all thir premisses, We haue subscrived with our hand, And ordainis the samin to be put in the buikes of our Councell. togidder with the statutes maid be our saidis Lordes of Session, Subscrived in likewise with our hande at our Castell of *Striviling*, the tenth day of *Ianij*: And of our Reigne the nineteene zeir.

JAMES R.

FINIS

THE SEXT PARLIAMENT OF KING IAMES the Fifth, halden at Edinburgh, the tenth daye of *December*, the zeire of God, ane thouſand, fiue *hundreth, and fourtie* zeires.

69 *The aire may be forefalted for treaſon committed be his Predeceſſoure.*



THE Quhilk day, Maiſter *Henrie Lauder*, Advocate to our Soverain Lord, exponed in preſence of the Kingis Grace, and three Eſtaites of Parliament, how that his grace had raiſed ſummounds vpon the aires of vmquhile *Robert Leſley*, to heare his name and memorie delete and extinct, for certaine poyntes and crimes of leſe-majeſtie, committed and done be him or his deceaſe. And therefore all his gudes moveable and vnmoveable, perteining to him the time of the committing of the ſaide crime, and ſenſine, to be decerned to perteine to his Grace: And becauſe it is murmured, that it is ane noveltie to raiſe ſummoundes, and mooue ſik ane action againſt ane perſon that is deade, (howbeit the commoun lawe directlie provide the ſamin:) Nevertheleſſe for ſtanching of ſik murmure, and that his Grace tendis on na ſorte to moove or doe ony thing, bot that hee may juſtlie bee adviſed of the three Eſtaites: Therefore deſired the ſaid three Eſtaites, to adviſe therevpon, and that his Grace may haue ſenſemente of Parliamente, quhidder that he hes ane action to perſew ſik ſummoundes or not. The haill Eſtaites, Spirituall, Temporall, and Commiſſioners of Burrowes, al in

in ane voyce, but variance and descrepance, hes delivered & concluded that his grace hes gud, cause & just action to persew the said summonds, & al vther sik-like summoundes of treason, done and committed against his person, and commoun weill, conforme to the commoun law, gude equitie and reason: Notwithstanding there is na speciall lawe, acte, nor provision of the Realme, maid thereupon of before.

70 *The Kingis Grace Revocation.*

WE Iames Be the grace of God, King of *Scottes*, vnderstanding clearely the priviledge of the cõmoun Law, acts and statutes of our Realme, provided and given to the Successoures of all maner of persones, to revoke, casse, and annull al thinges done be them in their zouthead and lesse age quhair-throw they ar greatlie and heavelie damnaged and skaithed in their heritages, be imprudent alienations, donations, and venditions of the samin: And that they may at their perfite age revoke the samin, and all thinges done be them prejudiciall in their minoritie and lesse age: And therefore our Predecessoures, Kingis of *Scotland*, at their perfite age of twentie fiue zeires past, hes in times by-gane, maid revocation of all sik thinges that hes bene done be them in hurt and detriment of their Crowne, lands, rents, and possessiones, perteining to the samin, and vther thinges quhair-intil they, be circumvention, were damnaged and skaithed, maid their revocation, cassand and annulland all sik giftes, alienations, and donations: Herefore we at our perfite age of twentie fiue zeires by-runnin, beand for the time foorth of our Realme, in the partes of *France*, maid our generall revocation schortlie at *Roan*, the thrid day of *Aprill*, the zeir of God, ane thousand, fiue hundreth, threttie seven zeires, as at mair length is conteined in ane instrument maid there-vpon, subscrived with the hand of Maister *George Cuike* Notar publicque: Of the quhilk the tenour followis.

Wee for certaine great and reasonable causes mouing vs, and haueand respect to the weill of our Crowne, and commoun weill of our Realme, revokis all maner of giftes, infeftmentes, and dispositiones quhatsumever we haue maid, or hes bene maid be our Tutoures and Governoures, for the time, during our minoritie and lesse age, in quhatsumever cause or case, that they may cum vnder revocation, be the commoun law, or consuetude of our Realme: Protesting solemnedly, that our absence foorth of the samin at this time, and the solemnities required on that behalfe, not being done, be to vs na prejudice, anentis the said revocation, with the quhilkis we dispense, and supplies all faultes therewith, be our Kinglie power and authoritie Royal, and will that this

stande

ſtande for our generall revocation of all maner thinges done be vs, or our ſaidis Tutores: And the ſamin to be extended in the maiſt ample and large forme, as ony vthers Revocations maid be our maiſt Noble Father, or our Progenitoures, Kingis of *Scotland*: The quhilk our ſaid generall Revocation, We in this preſent Parliament, with the adviſe and conſent of our three Eſtaites, ratifies and apprievis, and zit, as after followis, revokis, caſſis, and annullis in generall, and als in ſpeciall.

Annexed pro-pertie.

IN The firſt, we revoke, caſſis, & annullis, all infeftmentes, donations, alienations, & diſpoſitiones maid be vs, our Tutors, Governoures, or Regēts in our les age, in ony maner of way in fee, few-ferme, or franck-tenement of ony lands, Lordſhippes, cuſtomes, annualles, fiſhinges, Burrow-mailles, and Caſtel wairdes annexed to our Crowne, or ony parte thereof, alſweill given be our Father, quhom God aſſoilzie, as be vs: to ony perſon or perſones, incontrair the actes maid therevpon of before: to be reduced againe to vs, and to our Crowne, be vertew of the actes and ſtatutes maid of annexations, and after the forme of the ſamin.

Principalitie

ITEM, We revoke all alienations of ony rentes, landes, and heritages, annexed to the principalitie, and to the Prince, ſecond perſon of the Realme, maid be vs in maner foreſaid.

Offices of the property

ITEM, In likewiſe, we revoke, caſſis, and annullis, all donations, alienations, few-fermes, and giftes quhat-ſum-ever, in life-rent, or vther waies, in our none-age of the landes, rentes, annualles, or ony vthers revenues, that our Father had in his poſſeſſion, the time of his deceaſe, be gift, or vther-waies, & of all offices, ſik as Chalmerlanries, Baillieries, and Cuſtumaries, maid for maa zeires, bot fra ane Checker, quhil the compt be maid in the nixt Checker, after followand. And als, all aſſedationes and tackes maid for langer termes nor fiue zeires.

Aſſedations.

Tailzies

ITEM, In likewiſe, wee revoke and caſſis, all tailzies maid fra the aires generall, to the aires maill, of ony landes within our realme, againſt the law and gud conſcience.

Blanch-ferme.

ITEM, We revoke all new infeftmentes of landes, given in blanch-ferme, that were halden of vs of before, be ſervice of warde and reliefe.

Regalities

ITEM, We revoke all Regalities and confirmations of the Regalities, and of all offices given be vs in heritage, or be our Father, againſt the actes and ſtatutes, that na Regalitie ſuld be given in heritage, without adviſe and deliberation of the haill Parliament.

Baſtardries

ITEM, We revoke all alienations, maid of ony heritages, in our none-age, that becum lauchfullie in our handes, be reaſon of fore-faltour, baſtardrie, or vther-waies, and life-rentes given thereof in our minoritie.

Vnions of Barronies.

ITEM, Wee revoke all new creations of Landes, Barronnies, annexations and vnions of diverſe landes into fee, in prejudice of our dew ſervice, aucht to vs, and our Progenitoures of before. And ſik-like we revoke, all diſcharges of ſervice of ſuites of Courtes aucht of

Vniō of annexed propertie. auld to our Progenitours.

ITEM, We revoke all new infeftmentes given of creation of Barronnies, in the landes and lorde-ſhippes annexed to our Crowne.

Alienations maid ſuppreſſa cauſæ veritate. ITEM, Wee revoke all giftes and confirmations given be vs, of quhat-ſum-ever landes and heritages, be evill and falſe ſuggeſtion, be the expreeming of ane falſe cauſe, quhair gif they had bene expreemed ane trew cauſe, and the veritie, we had not given the ſamin. And therethrow we ar greatumlie and enormelie hurte.

AND Generallie, Wee revoke, caſſis, and annullis, all and quhatſumeuer things, done be vs in our leſſe age, in detriment and harme of our ſaule and conſcience, hurting of the priviledge of our Crowne, prejudiciall to the ſamin, and to vs in our patrimonie thereof. And quhat the commoun Law, and conſuetude of our Realme leauis vs to revoke. And this our Revocation to be of als great effect, and als largelie extended in Generall and in Speciall, as ony Revocations, maid bee ony our Progenitoures, Kingis of *Scotland* of before: And ſpecially be our dearеſt Father, of gude minde, quhom God aſſoilzie, and King IAMES the Second: And proteſtis, ſuppoſe we of our favours and benevolence, ſuffer ony perſon or perſones, to vſe or poſſeede ony priviledges or poſſeſſiones of landes, rentes, and offices, that ar fallen vnder our revocation: It ſall make na richt to the vſers or halders thereof. Bot it ſalbe leifful to vs to put our handes thereto, quhen euer it ſall pleaſe vs, but ony contradiction, be vertue of our ſaid Revocation, actes, and conſtitutions of our Realme, maid of before.

The Kingis ſufering preiudgis not his revocation.

71 *That all Schireffes and vthers Officiares be preſent perſonally, at the three head Courtes zeirlie.*

FOR THE Mainteining of juſtice, and putting of gud ordour thereto, out throuch all this Realme: It is ſtatute and ordained, that all Stewardes, Baillies, and Schireffes, hald all their three head courtes be themſelfe in proper perſon, without they haue juſt and lauchfull excuſe, throw being in the Kingis Grace ſervice, and to teſtifie the ſamin be his Grace writing or throw ſickneſſe, that they may not travell: And that the Kingis Grace authoritie be not lichtlied, and his lieges want debtfull adminiſtration of juſtice: It is ſik-like ſtatute and ordained, that all Barronnes and Free-halders, that awe ſute and preſence into the ſaidis Courtes, to be there perſonally, and the abſentis to be amerciat with all rigour: And quha that awe bot ſute, that they ſend their ſutors, honeſt and qualified men, able to decide vpon ony cauſe conformand to the auld Law: And that the ſaidis Schireffes, Stewards, and Baillies, admit nane vthers, as he will anſwere to the Kingis Grace,

And

And quha that cummis to the court, that he anſwere for himſelfe, and remaine quhill the ſamin be done and ended, and to paſſe vpon inqueſts and aſſiſes, and aſſiſt to the Kingis Schireffes, Stewardes, and Baillies, in adminiſtration of juſtice, and doing of their offices and ſervice, conforme to their infeftmentes, as they will anſwere to the Kingis Grace, vpon their vtter-maiſt charge.

72 *All Temporall Iudges ſuld ſet their Courtes vpon fifteene daies.*

ITEM, Becauſe our Soveraine Lord hes bene, and is of gude will and minde to haue juſtice ſchortelie done to all his lieges, ſwa that throw lang proces, his lieges be not lang taried and vexed in greate expenſes: Therefore hes ſtatute and ordained, that all Schireffes and Temporall judges, ſall in times cumming, in all perſonall actiones, ſet their courte peremptourlie vpon fifteene daies: And direct their precepts therevpon, and at that day proceede *ſummariè & de plano*: The partie being warned vpon fifteene daies, and make ſik proceſſe in all thinges, as is vſed before the Lordes of Councell and Seſſion: Notwithſtanding onie auld Lawes and conſtitutions maid thereupon of before: And all vthers maters and actiones to haue ſik proceſſe, as they haue had in times bygane.

73 *Of the qualities and aith of deputes.*

ITEM, That all Schireffes and vthers Officiares of the Kingis within this Realme, make their deputes, ane or maa, gude and wiſe ſubſtantious men, of beſt fame, knawledge, vnderſtanding, and experience, with in the Schireffedomes, and leaſt ſuſpect: for quhome they ſall anſwere for adminiſtration of juſtice, to all perſones indifferentlie. And that they cauſe their deputes to be maid, creat, and ſworne in plaine courte, and ane acte maid therevpon: And gif they continue their deputes langer then for ane zeir, that they cauſe them zeirly to be ſworne to their offices, for the adminiſtration of Iuſtice, at the head courtes after *Michael-mes*.

74 *The indorſation of all letters ſuld be ſtamped*

ITEM, That all Schireffes, Stewardes, and Baillies, cauſe their Maires and Officiares, quha ſall execute the Kingis letters and charges, or their awin precepts, to haue ane ſignet, and in it graved the firſt letter of their name, or firſt of their ſur-name, or elſe ſum vther thing, that ſall bee vniverſally knawin to be their ſignet, with the quhilkis they ſall ſignet all letters and preceptes execute be them, and indorſat in times tocum: And that na indorſation ſall haue faith, nor be admitted, bot they that ar ſigned with the ſaids ſignettes. And ſiklike, that al officiares of the

Kingis, haue their ſignettes in maner foreſaide: And ſignet all letters and charges execute and indorſat be them, vnder the paine of deprivation of them fra their Offices, that makis ony ſik executiones, without their ſignettes foreſaidis. And gif ony of their executiones wantis their ſignet, the ſamin ſall haue na faith.

75 The ordour of ſummounding of all perſones in Civill actiones.

ITEM, For eſchewing of greate inconvenientes and fraude, done to OVR SOVERAINE LORDIS Lieges, be ſummounding of them at their dwelling places, and oft-times falſlie, and gettis never knawledge thereof: IT IS Statute and ordained, that in times cumming, quhair ony Officiar or Schireffe in that parte, paſſis at commande of the Kingis letters, or the Schireffes, Stewardes, Barronnes, or Baillies precept, to ſummounde onie partie, gif they cannot apprehende them perſonallie, they ſall paſſe to the zett or dure of the principall dwelling place, quhair the perſon to be ſummounde dwellis, and hes their actuall reſidence for the time, and there ſall deſire to haue entreſſe, quhilk gif it be granted, they ſall firſt ſchaw the cauſe of their cumming: And gif they cannot get the partie perſonallie, they ſall ſchaw their letters or precept before the ſervandes of the houſe, or vther famous witneſſe, and ſall execute their offices and charge, and thereafter ſall offer the copie of the ſaidis letters or precept to ony of the ſervands, quhilk gif they refuſe to do, that they affix the ſamin vpon the zett or dure, of the perſones ſummound: And ſik-like, gif they get na entreſſe, they firſt knock and at the dure ſex knockes, they ſall execute their office before famous witneſſe, at the ſaid houſe and dwelling place, and affixe the copy vpon the zett or dure thereof, as ſaid is, quhilk ſalbe leifful and ſufficient ſummounding and delivering of the copie, and the partie, nor officiar ſall not be halden to giue ony vther copie, bot at their awin pleaſure. And everie officiar in his indorſation, ſall make mention of his awin execution, in maner foreſaid. And the partie at quhais inſtance, the letter or precept is direct, ſall pay to the Officiar executour the expenſes of the copie affixed, as ſaid is: And ſalbe taxed and given againe to him, at the giving of the decreet or ſentence, gif he happenis to obteine: And gif the Officiar beis foundin culpable in the execution of his office, he ſalbe put in our Soveraine Lordis priſon, and puniſhed in his perſon and gudes, at the Kingis Grace will.

76 The election and examination of Notars.

ITEM, Anent Scribes and Notars, baith to lande and Burgh, becauſe it is vnderſtande to the Kingis Grace, that the multitude of them

them generis ane great confuſion, monie falſettis ar committed: For remeid hereof, It is ſtatute and ordained, that everie Schireffe, with ſik perſones as ſall pleaſe the Kingis Grace to adjoyne to them, ſall call before them, all Notars that ar laick men, within his Schireffedome, and boundes of his office, and examine them, and quha that ar halden to be famous and able men to execute the office, that they be admitted be ane acte in judgement: And that the ſaid Schireffe haue ane buik, and gar them that ar admitted, write their ſubſcription, and ſignes manuall in the ſaid buik, ſik-like as they ſubſcrive all inſtrumentes, & as they wil vſe in times cumming, and to diſcharge all vthers, except them that ar writers, Notars, and Scribes, in OVR SOVERAINE LORDS Courtes of juſtice, baith Civill and Temporall, quha ſalbe admitted be the Chancellar, Preſident, and Lordes of Councell, and quha after the ſaide diſcharge makis ony inſtrument, the ſamin ſalbe of nane availe, and haue na faith, it beand opponed be the partie, and not beand proven in the contrair, that the ſaide Notar is admitted, as ſaide is: And that all Ordinares cauſe ſik-like to be done vpon all Notares, that ar Spirituall men within their Dioceſie: And quha that happenis to be maid Notars in times to-cum, that they vſe not the ſaide Office of Notarie, vnto the time they cum before the Schireffe or Ordinar, and gette their admiſſion, ſubſcriue and put their ſignes in the ſaidis buikes, as they will vſe in times to-cum, with certification to them, and they failzie, their inſtrumentes ſalbe of nane availe, and make na faith.

77 Saiſinges vpon precepts of the Chancellarie, ſuld be given be the Schireffe Clerke, and al vthers be honeſt Notars.

ITEM, It is ſtatute and ordained, for eſchewing of inconvenients of giving of ſaiſinges be private Notars, quhais names ar oft-times vnknawin, and their protocolles cannot be gotten, in-caſe the principal inſtrument be tinte, deſtroyed, ſubſtracted, and halden awaie. For eſchewing hereof: THAT All ſaiſinges be given in times cumming, be the Schireffe Clerke, or his deputes, whom-fore he ſall anſwere, and be nane vthers, vpon all precepts that paſſis be the Chancellarie: And all vthers ſaiſinges to be given be famous Notars admitted thereto, and be nane vthers.

78 Of the admiſsion of Notars, be the Lordes of Seſsion.

ITEM, Becauſe there is in the acte preceedand, greate credence and faith to be given to the Notars and Clerkes of Courte: It is ſtatute and ordained, that all Schireffes, Stewardes, Baillies, and vthers, baith to burgh and Lande, preſent their Clerkes and Notars in preſence of my Lorde Chancellar, Preſidente, and Lordes of Councell, to be exa-

mined, ſworne, and admitted: Providing alwaies, that they change or chuſe as they pleaſe: And quha that beis new choſen, to be preſented, and admitted, as ſaid is.

79 That the Protocolles of al ſaiſinges be preſented zeirlie in the Checker.

ITEM, Anentis the acte of Parliament maid of auld, quhair it is ordained, that all Schireffes bring with them at their Checker comptes anis in the zeire ane buik conteinand all ſaiſinges given be them, at the leaſt, the day, the moneth, of the giving of the ſaid ſaiſinge, and the name of the landes conteined in the ſamin, be eiked in this maner: That the Clerke of the Court cum with the ſaid Schireffe or his Deputes, in everie Checker, and bring the ſaide buik with him, ſubſcrived with his awin hand and ſigne manuall, that the ſamin may remaine in the Regiſter: Swa that the Kingis Grace may knaw his tennentes, and al vthers havand entreſſe, may haue recours thereto.

80 Of falſe Notars and witneſſe, Counſellers, and vſers of falſed.

ITEM, For puniſhment of falſe Notares, and them that bearis falſe witneſſe, or that inducis ony man to beare falſe witneſſe: And ſiklike of them that makis falſe inſtrumentes, or cauſis make ony falſe inſtrumentes, or vſis the ſamin wittinglie: That all ſik perſones in times cumming, be puniſhed in their perſones and gudes with all rigour, ſiklike as it is provided be the diſpoſition of the commoun Law, baith, Cannon, Civill, and ſtatutes of the Realme.

81 Of Notars Ordinar in the Schireffe Court, or vtherwaies.

ITEM, For eſchewing of greate inconvenientes, that dailie occurris, in the reducing of proceſſe, led before Schireffes, Stewards, and Baillies of Burrowes, Regalities and Barronnies, quhair there is oft-times produced and ſchawin inſtrumentes, contrair to vthers: That is to ſay, the inſtrumentes and actes maid be the Scribe of the court, bearand ane way, and inſtrumentes tane in vthers Notars handes, beirand ane vtherway, and oft-times alleageance, that was never heard nor vnderſtande to the judge, his aſſeſſoures, or vthers members of court: Therefore in times cumming: It is ſtatute and ordained, that all inſtrumentes, notes and actes be maid and tane in the handes of the Scribe, and Notar Ordinar of the Courte, or his Deputes: And gif ony partie will haue ane Notar with him, for mair ſecuritie, that that Notar paſſe and ſtande within Barre, in quhais handes it ſalbe leiffull to onie partie, to take documentes, togidder with the Notar of Court: And that ilk ane of them be inſert witneſſe to vthers, with ane parte of the maiſt famous perſones, aſſeſſoures or vthers members of court being within Barre, with

ſik

ſik vther honeſt-men as ar preſent, with certification,gif this forme and faſhion be not keiped, that the inſtrument taken in ony vther Notars handes, nor the Scribe of courte,ſall haue na faith. And gif the Notar and Scribe of courte,refuſis to giue inſtrumentes,actes, or notes to ony perſones deſirand the ſamin, he ſall tine his office,and ſalbe called and puniſhed in his perſon and gudes at the Kingis Grace will.

82 *For giving of Commiſsiones,in preiudice of the Ordinar.*

ITEM,Anent the artickle given in be the Schireffes,that quhair they haue their offices in heritages,and greatumlie hurte be giving of Commiſſiones to vthers officiares, in caſes perteinand to their offices: And for remeid therefore: The Kingis Grace, with the adviſe of his Eſtaites,hes ordained,that na commiſſion be given in times cumming, for ſerving of brieues,appriſing of landes, bot to the judge Ordinar: And gif ony partie ſall happen to giue in ony complainte,for the getting of commiſſiones, for ony cauſe that is reaſonable, the ſaid commiſſion ſall not be granted,vnto the time the ſaide Schireffe, Steward and Baillie be warned to heare the Commiſſion given,or elſe to alleage ane reaſonable cauſe,quhy the ſamin ſuld not be given.

83 *Of leaſing-makers.*

ITEM, Touching the artickle of leaſing-makers to the Kingis Grace, of his Barronnes, Greate men and Lieges,and for puniſhment to be put to them therefore: The Kingis Grace, with adviſe of his three Eſtaites, ratifies and apprievis the actes and ſtatutes maid thereupon of before, and ordainis the ſamin to be put to execution in all poyntes: And als ſtatutis and ordainis, that gif ony maner of perſon makis onie evill information of his hienes to his Barronnes and lieges, that they ſalbe puniſhed in ſik maner, and be the ſamin paines, as they that makis leaſinges to his Grace of his Lordes,Barronnes,and lieges.

84 *The acte of annexation of landes to the Crowne.*

ITEM,Becauſe it is vnderſtand, and weill adviſedlie conſiddered be the Kingis Grace, and three Eſtaites of his Realme, beand aſſembled in this preſent Parliament, that the patrimonie of his Crowne, and revenues thereof beand augmented,is the great weill and profite, baith to the Kingis Grace, and his Lieges: And therefore it is thocht expedient, that our Soveraine Lorde, followand the gude example of his predeceſſoures,ſuld annex to his Crowne, for the honourable ſupporte of his eſtaite royal,in all adventures and caſes,baith in weere and peace, ſik landes and lordſhippes, as ar now preſentlie in his handes, that ar not annexed of before,and the ſaidis lands being annexed,to remaine perpetuallie with the Crowne, may nouther be given awaie in fee, nor franck-tenement,to ony perſones,quhat ever eſtaite or degree they be of,without adviſe,decreete, and deliverance of the haill Parliamente,

and for the great reaſonable cauſes, concerning the weil-fare of the Realme, firſt to be adviſed and digeſtlie conſidered, be the haill Eſtaites And al-be-it it ſall happen OVR SOVERAINE LORDE, that now is, or onie his Succeſſoures, Kingis of *Scotland*, to annalie and diſpone the ſaidis Lord-ſhippes, Landes, Caſtelles, Townes, donationes, and advocationes of Kirkes and Hoſpitalles, with their pertinentes to the Crowne, as ſaid is annexed, that the alienation and diſpoſition, ſall bee of nane availe: Bot it ſalbe leiffull to the King for the time, to receiue thay landes to his awin vſe, quhen ever it likis his Grace, but ony proceſſe of Lawe, and the takers ſall refounde and paye all profites, that they haue tane vp of thay landes againe to the Kinge, for all the time that they haue had them, with ſik vther reſtrictiones, as is conteined in the Actes of Parliamente, maid bee his maiſt Noble Predeceſſoures, Kingis of SCOTLAND, in the Annexation to the Crowne.

AND Therefore his Hieneſſe, with adviſe and counſell of his three Eſtaites, hes annexed to his Crowne, to remaine there-with, in maner foreſaid, thir landes after following. IN The firſt, the landes and Lordſhippes of all his Iles, South, and North: The twa *Kyntires*, with the Caſtelles perteining thereto, and their pertinentes: The lands and Lordſhippe of *Orknay*, *Zetland*, and the Iles perteining thereto, and their pertinentes. The landes and Lordſhippe of *Dowglaſſe*, with the Caſtell, Towre, and fortalice thereof, donationes, and advocationes of Kirkes and benefices, and their pertinentes: The Landes and Lordſhippes of *Crawfurd-Lindſay*, and *Crawfurd-Iohn*: The Landes and Lord-ſhippes of *Bonkill*, *Preſtoun*, and *Temptalloun*, with Towres, Fortalices, landes, rentes, advocationes and donationes of Kirkes: The lands of *Dunſire*: The Landes and Lordſhippe of *Iedburgh* Forreſt: The lands and Lordſhippe of *Kery-mure*, with all their pertinentes: The ſuperioritie of all and haill the Earledome of *Angus*, and all vtheris landes, rentes and poſſeſſiones, quhilkis perteined to *Archebald*, ſume-time Earle of *Angus*, the time of the ſaid Earles fore-faltour, and now being in our Soveraine Lordis handes, be reaſon thereof: The landes and Lordſhippe of *Glammis*, that ar not halden of the Kirk: The Landes of *Baky*, *Balmuketties*, *Tannades*, *Drumglies*, *Lang-forgund* and *Balhelwies* with the Towres, Fortalices, advocationes, and donationes of Kirkes, and their pertinentes: The landes of *Raclewch*, *Quhite-campt*, over and nether *How-clewch*: The Landes, Lordſhippe, and Barronnie of *Avandaill*, with the towre and Fortalices thereof, advocationes and donationes of Kirkes, their annexes and connexes, and all their pertinents, ſik-like as vmquhile *Iames Hammiltoun* of *Finnart* Knicht, had, and bruiked the ſamin, before the time of his fore-faltour: The Landes and Lordſhippe of *Liddeſ-daile*, with the Caſtell of *Armitage*, advocation and donation of Kirkes, and their pertinentes: The landes and Lordſhip of *Both-well*, with the towre, fortalices, and their pertinents.

85 Weapon-ſchawinges to be twiſe in the zeir.

ITEM, Touching the firſt artickle anentis the weapon-ſchawing: It is thoucht neceſſar, that weapon-ſchawinges be maid twiſe in the zeir, out throw all the Realme, that is to ſay, in the monethes of *Iunij* and *Octobet*, at ſik day or dayes, and place, as ſal pleaſe the Schireffe, Steward, Baillies, Proveſt, and Aldermen of Burrowes, to aſſigne after the quantie of the Schire, gif the muſtures cannot be all tane on ane day. And that they make warninges thereto, vpon the premonition of twentie daies. And that the ſaids muſtures be tane be the Schireffe of the Schire, Proveſt, and Baillies of Burrowes, and Baillies of Regalities, and vthers Commiſſioners, quhome the Kingis Grace pleaſis to aſſigne to them. And becauſe they haue bene ſa lang out of vſe, of making of weapon-ſchawinges: It is thocht expedient, that the ſamin be maid thriſe for the firſt zeir. And the firſt time to be on the morne after *Law-Sunday*, nixt-to-cum.

86 That the army of Scotland *be vn-horſed, except great Barronnes.*

ITEM, Anentis the maner of cumming of our Soveraine Lordis Lieges to weere, horſed and vn-horſed: The Kingis Grace vnderſtandis the great hurte, skaith, and damnage done in cumming of multitude of horſe-men, throw deſtruction of cornes, meadowes, and herrying of pure folkes: And als the greate impediment maid be them in the hoiſt, quhair all men mon fight vpon fute: THEREFORE hes ſtatute and ordained, that na maner of man haue horſe with him, bot bee reddie to gang on fute, fra the place that pleaſis the Kingis Grace to aſſigne to be the firſt meeting and aſſembling of his armie, except cariage horſe allanerlie: And gif ony man cummis on horſe-back, or bringis his horſe with him, except for his cariage, as ſaid is, that he incontinent ſend his horſe hame againe with ane rinnand boy, and with na ſenſible man, or able of perſon to beare weapons, vnder the paine of death: Providing alwaies, that albeit this Acte is maid Generall, the effecte thereof, ſall not extend to Earles, Lordes, Barronnes, and greate landed men, bot that they, and ſik vthers, as ſalbe thocht expedient be the Kingis Grace, or his Lieu-tennentes, ſall paſſe on horſe-back, quhair ever the Kingis Grace mouis with his armie.

87 The maner of Harneſſe, weapons, and armour.

AND As to the maner of harneſſe and weapones, and how everie man ſuld be armed and weaponed: It is ſtatute and ordained, that all OVR SOVERAINE LORDIS Lieges haue weapones and harneſſe, as after followis: IN The firſt, that everie Noble-man, ſik as Earle, Lorde, Knicht, and Barronne, and everie greate landed-man, havand ane hundreth pounde of zeirlie rente, bee an-armed in

in quhite harneſſe, licht or heavie as they pleaſe, and weaponed effeirand to his honour: And that all vthers of lawer rent and degree in the law-land, haue jack of plate, halkrik, or brigitanes, gorget or peſane, with ſplentes, panſe of mailzie, with glooues of plate or mailzie: And that all vthers OVR SOVERAINE LORDIS Lieges, Gentlemen vnlanded, and zeamen, haue jackes of plate, halkrikes, ſplentes, ſallate, or ſteil bonet, with peſane or gorget, and everie man with ſworde. And that na maner of weapons be admitted in weapon-ſchawings, bot ſpeares, pikes, ſtarke and lang, of ſex elnes of length, *Leith* axes, halbardes, hand-bowes and arrowes, croce-bowes, culverings, twa handed ſwordes: And everie man to be anarmed, as ſaid is, vnder the paine of fiue pound, to be tane of everie landed man, fiftie ſhillinges, of everie Gentle-man, and xx. ſhillinges of everie zeaman-man: als oft as they be foundin faltous in the premiſſes. And becauſe it is vnderſtand, that their weapones and harneſſe may not be compleitlie gotten at the firſt weapon-ſchawing, that is to ſay, on the morne after *Law-ſunday* nixt-to-cum: Therefore it is diſpenſed be the Kingis Grace, that they make their ſchawinges and muſtures with ſik harneſſe and weapones, as they haue, or may convenientlie get againſt the ſaid day.

88 Of armour conforme to everie mannis rent and ſubſtance

ITEM, It is ordained for weapon-ſchawinges in Burrowes, that everie man havand ane hundreth poundes woorth of geare, be anarmed in quhite harneſſe, and weaponed as landed men foreſaide. And everie man within ane hundreth poundes worth of gudes, and that may ſpend ten pound, be anarmed as Gentlemen landed, and zeamen men, in maner foreſaid, and vnder the paines abone written.

89 That all perſones preſent in weapon ſchawing be written, with the maner of their armour.

ITEM, That na fraude be maid in the making of the ſaidis weapon-ſchawinges, and that the Kingis Grace may knaw the ordour of his people: It is ſtatute and ordained, that everie Earle, Lorde, Barronne, Laird, and vthers cummand to the ſaidis weapon-ſchawinges, giue the names of the perſones that ſal cum with them thereto in Bill to the Schireffe, Baillie, Stewarde, Lorde, or Baillie of Regalitie, Proveſt, Alderman, and Baillies to Burgh, or to ony vtheris, quhome it ſall pleaſe the Kingis Grace to giue commiſſion to with them, and that they roll their names in ane buike, with the maner of their harneſſe and weapones zeirlie, in everie weapon-ſchawinge, ſealed with their awin

ſeale

ſeale, and ſubſcriued with their handes, ſende and deliver the ſamin to the Kingis Grace, to be keiped and conſidered, bee quhome his Grace ſall pleaſe to giue the cure thereof. And that all Lordes and Baillies of Regalities, do ſik-like zeirlie, within the boundes of their offices.

90 The premonition of the weapon-ſchawinges.

ITEM, That all OVR SOVERAINE LORDIS Lieges, be warned to the ſaidis weapon-ſchawinges, vpon fourtie daies warning, for the firſt time: And zeirlie at everie time thereafter, vpon twentie daies.

91 The chuſing of Captaines in everie Parochin

ITEM, That execution may be had throw all the Realme, amangſt all OVR SOVERAINE LORDIS Lieges, for exercing of their perſones in ordour, ſwa that be learning of ordour, and bearing of their weapons in time of peace, they may bee the mair experte to put them ſelues in ordour haiſtielie, and keipe the ſamin in time of neede: It is thocht that this artickle is verie neceſſarie to be provided: AND therefore ſtatutis and ordainis, that everie Schireffe, Stewarde, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, Lordes and Baillies of Regalities, at everie weapon-ſchawing concurre and ſit downe, with the Kingis Commiſſioners, that ſal happen to be depute to them, and they togidder, to conſulte with the maiſt able perſones of the Schire: And after that they haue rolled the names of everie man, with their harneſſe and weapones, chuiſe ane able man for everie Parochin, or maa, as it is of greatneſſe, or for ſmaller Parochins ane, quha ſall bee Captaine, or Captaines, to the cumpanies of the ſaidis Parochines, and ſall learne them to gang in ordoure, and beare their weapons, and ſall conveene their ſaidis cumpanies twiſe at the leaſte in everie Moneth, of the monethes of *Maij*, *Iune*, and *Iulij*, at quhat dayes they ſall thinke maiſt expedient, vpon Halie-daies before noone: And als in all vthers moneths, gif they may gudlie, and there exerce them in maner foreſaid. And that na man diſ-obey the ſaidis perſones, Captaines, to be depute and choſen, as ſaid is, vnder the paine to bee puniſhed at the Kingis will. And that the ſaide Captaine bee choſen, als oft as beis ſeene expedient be the Schireffe of the Schire, Commiſſioneres, and Councel admitted to him to that effect.

92 Ane generall remiſſion, granted be the Kingis Grace to all his lieges.

ALSwa, our Soveraine Lord, vnderſtanding the great occaſion and evil exemple for the time, giuen to his Lordes, Barronnes, and all his

his lieges, to commit and do the time of his leſſe age, ſik offenſes and crimes of treaſon and vther-waies, quhilk deſervis great and hie puniſhment, quhilkis as his Grace vnderſtandis, be the gude and trew ſervice done be them to him, ſen his cumming to perfite age, they walde not haue done nor committed: And becauſe his Grace thinkis, that he will not be vnremembrand and ingrate, for the gude and thankefull ſervice done to him, be his ſaidis Earles, Lordes, Barronnes, and lieges of all degrees, hes remitted and for-giuen, and be the tenour of this acte, remittis and forgiues to all his ſaidis lieges, all maner of crimes of treaſon, done be them in our Soueraine Lordis time, that laſt deceaſed, and his Predeceſſoures, Kingis of *Scotland*, and in his hieneſſe awin time, vnto the daie and date of this preſent act. (The intelligence with *Archebald* ſum-time Earle of *Angus*, *George Dowglas* his brother, and vmquhile *Archebald Dowglas* of *Kilſpindie* their Eame, ſen the time of giving of doome of forefaltour againſt them, allanerly excepted) And therefore exhortis and prayis preſentlie, all his Barronnes and lieges, to be trewe and thankfull ſubjectes vnto his Hieneſſe, as he ſall not faill, to be gud, thankfull and loving King to them: And that the copie of this acte, ſufficientlie extracted, ſalbe ſufficient remiſſion, without ony vther particular writing.

FINIS

THE SEVENTH PARLIAMENT OF KING IAMES the Fifth, halden at Edinburgh, the fourteenth day of *March*, the zeire of God, ane thouſand, fiue *hundreth, and fourtie* zeires.

93 *Ratification of the inſtitution of the College of Iuſtice.*

THE Kingis Grace, with adviſe of his three Eſtaites of Parliament, vnderſtanding that the inſtitution of his College of juſtice, and acts maid thereupon, ar richt profitable to his Grace, and all the haill Realme: And therefore now after his perfite age of twentie fiue zeires, hes ratified and apprieved, ratifies and apprievis, for him and his Succeſſoures, the inſtitution of the ſaide College of juſtice, and Actes maid for adminiſtration of juſtice therein: And likewiſe ratifies and apprievis the confirmation, ratification, approbation of the *Paipe*, of the erection of the ſaid College, and of the gift of all benefices, rentes, given and to be given, aſſigned, and to be aſſigned, to the honeſt ſuſtentation of the ſaid College of juſtice: And all priviledges, quhat-ſum-ever graunted, and to bee graunted thereto, bee the *Paipe*, and his hieneſſe: And will and ordainis for the cauſes foreſaid, that the ſaid College and inſtitution thereof, remaine perpetuallie, for the adminiſtration of juſtice, to all the lieges of this Realme, and to be honoured ſik-like, as ony vther College of juſtice in vther Realmes. And attour, giues and grantis to the Preſident, Vice-preſident, and Senatoures power to make ſik actes, ſtatutes, and ordinances, as they ſall thinke expedient, for ordouring of proces, and haiſtie expedition of juſtice: And in abſence of Preſident and Vice-preſident, will that the eldeſt in ordour of the ſaidis Senatoures, be Preſident for the time, to the effecte, that there may be na ſtop of juſtice ony time, throw abſence of the ſaid Preſident, and Vice-preſident.

94 Hagbuttes and vther ſmall artaillarie, to be furniſhed within the Realme.

ALSWA, Becauſe the ſchot of gunnes, hagbuttes, hand-bowes, and vther ſmall artaillarie, nowe commounlie vſed in all Cuntries, baith be Sea and lande in their weeres, is ſa felloun and vn-eſchewable to the pith of high courage of Noble and vailzieant men, quhais actes and deedes cannot be ſchawin, without contrair proviſion bee had of inſtrumentes of weere and battell: IT IS Herefore ſtatute and ordained be the Kingis Hieneſſe, with adviſe and conſent of the three Eſtaites of his Realme, that everie landed-man within the ſamin, ſall haue ane Hagbutte of Founde, called Hagbute of Crochert, with their Calmes, Bullettes, and pellockes of leed or irone, with powder convenient thereto, for everie hundreth pound of land, that hee hes of newe extent: And he that hes bot ane hundreth marke land, ſall haue twa culveringes: And ilk man havand fourtie pound land, ſall haue ane Culvering, with calmes, leede, and powder, gainand thereto, with treaſtes to be at all times reddie, for ſchutting of the ſaide Hagbuttes: And that everie man of living foreſaide, ſall haue ane man or maa, as hee may furniſh, for ſchutting of the ſaide hagbuttes and culveringes, and to learne vthers to ſchutte the ſamin: And that everie man haue the ſaid artaillarie effeirand to his living, ſubſtantiouſlie furniſhed, as ſaide is, reddie within auchteene moneths, nixt after the publication of this acte, vnder the paine of doubling the price, that will bye ilk price of the ſaid artaillarie, to be applyed to the Kingis Grace vſe, for byeing of the ſamin to him ſelfe: And the ſaidis auchteene monethes being paſte, that everie man make his muſtures with the ſaid artaillarie, weill furniſhed, as ſaid is, at the nixt weapon-ſchawinges. The quhilk being done, they ſall not be bundin to bring their ſaid artaillarie to ony weapon-ſchawings thereafter, bot gif they be ſpeciallie required thereto, bee the Kings Grace writing, or be the Schireffe, or vthers judges Ordinar, vnder the Kingis Grace. And that this acte be extended, alſweill to the Lordes of Regalitie, and their tennentes, as to them of Royaltie: And that everie Kirk-man furniſh, ſik-like artaillarie in maner abone written, to bee ſchawin at weapon-ſchawinges, as ſaid is, after the availe and quantitie of their Temporall landes: And that their artaillarie remaine at the Caſtell, Abbay, or Manſion of the Biſhoppe, Prelate, or Kirk-man, to be keiped there and left to his Succeſſoure, quha ſall bee halden to vp-hald the ſamin, for the defenſe of the Realme: And becauſe it cannot be nowe clearely vnderſtandin of the availe and quantitie of everie Burgh, quhat artaillarie, and how meikle they may furniſh: THEREFORE It is ſtatute and ordained, that letters be written to the Proveſtes, Baillies, Aldermen of everie Burgh of this Realme, ſignifiand vnto them this ſtatute and ordinance, of the maner of furniſhing of artaillarie, to be maid be the Barronnes and Kirk-men, chargeing them there-

therefore, to conveene their Councell, adviſe and conclude, quhat artaillarie, and in quhat maner ilk Burgh may furniſh, and refer againe to the Kingis Grace, within fifteene daies nixt after they be charged thereto, that his Hieneſſe may be adviſed therewith, with certification, gif they failzie there-intill, his Grace ſall cauſe them to be taxt, after the availe and quantitie of their commoun gudes and ſubſtance, for furniſhing of the ſaid artaillarie: And ordainis, that Ladies of conjunct-fee, and life-rent, ſall furniſh effeirand to the quantitie of their living, for ſupport of the barronnes and vthers landed men in the furniſhing of the ſaid artaillarie.

95 For hame-bringing of Hagbuttes be Merchandes.

ITEM, Becauſe nouther artaillarie nor harnes, can be furniſhed nor maid reddie, conforme to the actes maid there-vpon, without the ſamin be brocht hame be Merchandes: Therefore it is ſtatute and ordained, that everie Merchand ſailland foorth of this Realme, or ſendand his gudes extending to ane laſt of gudes, ſall bring hame als oft as hee ſaillis, or ſendis his gudes, at everie time, twa Hagbuttes of Crochert, or maa, as his packe may furniſh, with powder and Calmes, for furniſhing of the ſamin, or elſe als meikle mettall, as will make the ſaidis Hagbuttes, with powder effeirand thereto: And ſik-like harneſſe, for furniſhing of our Soveraine Lordis Lieges in maner foreſaid.

96 For the in-bringing of the Kingis propertie and caſualities.

ITEM, For in-bringing of our Soveraine Lordis propertie and caſualities zeirlie to his Checker, ſa that his Theſaurar and Comptroller, may be weill furniſhed, for furniſhing of all ſik thinges, quhilkis perteinis to them to do: And that in times cumming, ſall haue na cauſe to compleinzie, bot in their awin default and negligence: It is herefore ſtatute and ordained, that all Schireffes, Stewardes, Cuſtomers, Chalmerlaines, and vthers intromettours with our Soveraine Lordis propertie, compeir at everie Checker, quhair it ſalbe halden for the time, and make their compts and full payment *Equè* with the Rollis, before their departing, ilk ane for their awin part, ſa far as they intromet-with, or micht intromet, be reaſon of their office, doand their diligence thereto, vnder the paine of warding of their perſones, there to remaine indureing the Kingis will: And as for the caſualities, ordainis all Schireffes, Stewardes, Baillies, and vthers, that aucht to make compt, reckoning, and payment of the ſamin, to compeir zeirlie in the Checker, be them ſelues, or their ſufficiente deputes, at the daye aſſigned to them be the precepte, and there make compte, reckoning, and payment of all ſik caſualities, and do their vtter diligence thereto, be the conſideration of the Lordes Auditoures, and departe not quhill they haue done the ſamin, vnder the paine foreſaid.

97 *Anent the taking of the Kingis Rebelles: of the mainteining and reſetting of them*

ALSWA, Anentis the execution of the actes of Parliament maid of before, be our Soveraine Lordis Progenitoures, vpon them that committis ſlauchter and mutilation, and for apprehenſion of our Soveraine Lordis lieges rebelles, and diligence to be maid therein bee Schireffes and vthers Officiares of the Realme, baith in Regalitie and Royaltie: It is ſtatute and ordained, that the actes maid thereupon of before, be put to execution in all poyntes, and that all Schireffes, Stewardes, Baillies, and all vther officiares, baith to burgh and to lande, alſweill in the Regalitie, as in the Royaltie, doe their diligence to ſearche and ſeeke all our Soveraine Lordis rebelles, and being at his Horne, quhair ever they may be apprehended within their Baillieries, take and bring them to our Soveraine Lordis juſtice, to be juſtified for their demerites, vnder the paine of tinſell of their Offices for three zeires, gif they haue the ſamin in heritage: And gif they haue the ſamin for zeires, to tine the ſamin for ever, and to be accuſed vpon their diligence in that behalfe, in the juſtice aires, or at vther particular diettes, as ſall pleaſe the Kingis Grace. And that na maner of man within this Realme, wilfullie or wittinglie, receipt, ſupplie, mainteine, defend, or do favoures, to ony of our Soveraine Lordis rebelles, and being at his horne, within their houſe, landes, boundes, or Baillieries, vnder the paine of death, and confiſcation of all their moveable gudes, and to be called and accuſed herevpon, outher at juſtice courtes, or particular diettes, as ſaide is. And gif the Officiares of the Regalitie beis foundin negligent (they being required hereto) it ſal bee leſum to the Kingis Schireffes to put the ſaidis Actes to execution within the ſaide Regalitie, after the forme and tenour of the ſamin: And that the juſtice Clerke inquire diligentlie hereupon, and take dittay, as effeiris.

98 *The time of ſelling of fiſh in the Mercat: Anent the way carying of fiſh: Of the price of fiſh.*

ALSWA, It is ſtatute and ordained, that na maner of perſon to Burgh nor to lande, bye ony maner of fiſhe in mercat, nor vther places, to packe or peile, quhil elleven houres of the day, and fra elleven houres, to twa houres after noone, it ſalbe leaſum to bye fiſh, and packe or peile the ſamin, as they thinke maiſt expediente. And not-the-leſſe, that all our Soveraine Lordis lieges, cadgerres, and vtheris within that time of the day, be ſerued for their money of fiſh, to the furniſhing of the cuntrie: And ſik-like, fra twa houres after noone, to ſex houres at even, it ſall not be leſum to bye, packe, or peile the ſaidis fiſh, bot that all our Soveraine Lordis lieges, at the ſaidis times of day, may be ſerved of all maner of fiſh, and bye the ſamin for their ſilver, for ſuſtentation of their houſe, and ſerving of the countrie about. And that na maner of perſon in this Realme, Merchand or vthers, ſend or haue ony maner of quhite

quhite fiſhe foorth of the ſamin,bot it ſalbe leaſum to ſtrangers to cum within this Realme, to bye the ſamin fra Merchandes and freemen of Burrowes, with reddie golde and ſilver, or be bartouring of ſufficiente Merchandice, with the ſaidis merchandes, or with the awners thereof, for their ſuſtentation neceſſares of their houſes allanerly. And quhair ony perſones hes ony fiſhe packed or peiled, that they bee reddie at all times to ſell the ſamin to all our Soveraine Lordis lieges, for furniſhing and ſuſtentatioun, of their houſe and the Countrie, vnder the paine of confiſcation of the ſamin: IT IS Statute and ordained,that the Proveſtes, Aldermen and Baillies of Burrowes, in everie mercat day,paſſe and viſit the mercattes, and ſet ane priſe on all maner of fiſhe, according to the time: And that they diligentlie inquire,gif ony maner of perſon giues arles,or money on ony maner of fiſhe,that cummis to the mercat,to the effect,that the ſamin may be ſauld vpon ane higher price, that they tak and puniſh the ſaidis perſons,as cowpares,fore-ſtallers,and regratoures,againſt the commoun weill.

99 That na thing be taken for quhiſſelling of gold.

ALSWA, Anentis the artickle makand mention, that the Crowne of the Sunne, is commounlie refuſed within this Realme, it wantand ane graine of the weicht, how-be-it the ſamin hes paſſage in vther Countries,and ſpecially in the realme of *France*,it wayand the Crown of the King: Therefore it is thocht expedient, for the commoun weill, that na maner of perſon within this Realme, refuſe to take the ſaide crowne of weicht,in payment,or for change for vther money, after the forme of the Kingis Grace Proclamation, ſuppoſe the ſamin want ane graine allanerlie,vnder the paine to be called and accuſed,as breakers of the ſaid act of Parliament: And becauſe ſindrie perſones havand quhite money, will not change for gold, bot takis therefore twelue pennies, or mair for quhiſſelling of the ſamin,in high contemption of our Soverain Lord, and his authoritie: Herefore it is ſtatute and ordained,that all maner of perſons,havand quhite money,that they reddelie change al maner of gold, conteined in our Soverain Lordis cry, of the prices conteined in the ſamin, without taking of ony maner of money therefore,vnder the paine foreſaide,and to be accuſed as oppreſſoures of our Soveraine Lordis lieges: And that na maner of man take vpon hande, for to wrong the Crowne of weicht,or ony vther Gold of weicht,throw pretence of this act, vnder the paine to be accuſed and puniſhed, asfalſers of the Kingis Grace money, conforme to the commoun Law, and ſtatutes of the Realme.

100 The Proveſt,Baillies,and Councell,ſuld make the prices of Wine and Timmer.

ALSWA, toutching the exorbitant dearth and prices of wine, ſalt and timmer: It is ſtatute and ordained, that the Proveſt, Baillies,

and Councel of Burrowes, quhair ony Schippes or ſtrangers arriuis, or ſall happen to arriue in times cumming, laden with wine, ſalte, or timmer, conveene with the Merchandes that awe the ſaidis wine, ſalt, and timmer, and bye, or ſet ane price vpon the ſamin reaſonably, that na maner of man, freeman, or vn-freeman, bye ony of the ſaidis wines, ſalt, or timmer, bot fra the ſaidis Proveſt and Baillies, or awners thereof, and the prices being maid be them, as ſaid is, na man to bye, quhil the Kings Grace be firſt ſerved: And his Grace and officiares, being contented for ſa-meikle, as will pleaſe them to take to our Soverain Lordis vſe allanerlie, that Noble-men of the Realme, ſik as Prelates, Barrones, and vthers Gentle-men of the ſamin, be ſerved of the ſamin prices: And thereafter all and ſindrie our Soveraine Lordis Lieges be ſerved vpon the ſaidis prices: And gif ony man cummis incontrair hereof, or fore-ſtallis the ſaidis wines, ſalte, or timmer, the ſamin to bee eſcheitted to the Kingis Grace: And gif the Proveſt, Baillies, and Councell, beis foundin negligent in the exercing of their Offices, they to tine the ſamin, and not to bruik office nor honour, for the ſpace of three zeires thereafter. And gif ony freeman, or vther *Scottis-man*, dwelland within this Realme, bringis hame ony wines, ſalte, or timmer, vpon their awin adventure, that the Proveſt and Baillies of Burrowes, at the entrie of the Schippes in the buikes of the towne, ſee and conſidder their merchand billes, and how the ſaidis wines, ſalte, and timmer was coſt and ſaulde: and ſik-like, conſidder their vn-coaſtes and frauchte, and theirafter ſet ane competent price, how the ſamin may be ſaulde, and as they ordaine, that the ſamin be ſauld of the ſamin price, and na higher: And that the Proveſt and Baillies, do diligence to inquire and get wit in dew time of the zeir, how wine, ſalt, and timmer is ſauld and coſt in vther cuntries, that they may make the prices the better, effeirand to the gudneſſe of the ſtuffe.

101 *Viſitoures of Hoſpitalles.*

ITEM, Anentis the Hoſpitalles: It is deviſed, ſtatute, and ordained, that the actes of Parliament maid thereupon of before, be our Soveraine Lordis maiſt Noble Progenitoures, bee put to execution in all poyntes, and that certaine viſitoures be maid, to the effecte that they may paſſe and conſidder the foundation of all hoſpitalles, and to cauſe the ſamin be keiped, conforme to the firſt foundation, and the ſaid viſitoures to be named be the Kingis Grace.

102 *Of the Bigging of* Leith-wynde.

ALSWA, Tuitching the reparationes and mending of deformities within the Towne of *Edinburgh*, and ſpeciallie quhair there is commoun paſſage and entreſſe, quhairby all ſtrangers and vthers our Soveraine Lordis Lieges, paſſis and repaſſis: It is thocht expedient, and als it is ordained, that the Proveſt, Baillies, and Councell of *Edinburgh*, garre warne and charge all maner of perſones, that hes ony landes, biginges

inges, and waiſtes,vpon the Weſt ſide of *Leith-wynde*,That they within zeir and daye, big and repaire honeſtlie their ſaidis waiſtes and ruinous houſes: And that they beginne to the ſamin within three Monethes, and that they end the ſamin within zeir and day, or elſe ſell the ſamin to vthers to be bigged, within the ſaid ſpace: And to charge them that arknawin perſonallie, and all vthers be open Proclamation at the mercat croce of *Edinburgh*, with certification to them, and they failzie, the ſaidis Proveſt & Baillies ſall cauſe the ſaidis landes, tennementes,and waiſtes to be appriſed ,and ſall ſell the ſamin to ony that will bye them, and paye the prices thereof to the awners: And gif na man will bye them, it ſalbe leiffull to the ſaidis Proveſtes and Baillies, to caſte downe the ſaids waiſte landes, and with the ſtuffe and ſtanes thereof,bigge ane honeſt ſubſtantious wall,fra the Porte of the Nether-bow,to the *Trinitie* College: And it ſal not be leiffull in times cumming, to ony maner of perſon to perſew them, nor their Succeſſoures therefore , nor pretende ony richt or entres thereto in time to-cum, nouther for the principall lande,nor for annualles awand foorth thereof: And becauſe the Eaſte ſide of the ſaide Wynde, perteinis to the Abbot and Convente of *Halyrude-houſe*: It is ordained, that the Baillies of the *Cannon-gate*,garre ſiklike be done vpon the ſaid Eaſt-ſide : And als becauſe of the vilitie that cummis bee ſlaying of fleſhe be the fleſchoures dwelland on the Eaſt-ſide , and tuming entrailles of beaſtes,generand corruption : It is therefore ordained , that the ſamin be forbidden be the Proveſt and Baillies of *Edinburgh* and *Cannon-gate*,vnder the paine of confiſcation of all ſik fleſhe ſlaine be them,in maner foreſaid.

103 Anent the mercat of Edinburgh.

ITEM, Becauſe the mercatte of meall,and vthers victualles of the Towne of *Edinburgh*, is commoun vpon the Hie-gate , to the ſight of all maner of perſones, ſtrangers and vthers,and that ane multitude of vile,vn-honeſt and miſerable creatures, conveenis to the ſaide mercatte dailie,to get their ſuſtentation and living : Therefore it is thocht expedient, that the ſaid meall-mercat be remooved off the Hie-gate , in ſum honeſt, gainand,and convenient place, quhair the nicht-boures of the ſaid towne, and vthers the Kingis lieges,may conveene, for ſelling and byeing of ſik victualles in time to cum.

104 The painis of Iudges that dois wrang: And of them quha ſlanders them wrangeouſly.

SWA It is ſtatute and ordained, that for-ſa-meikle as it hes bene heavilie murmured to our Soveraine Lorde,that his Lieges hes bene greatlie hurte in times by-gane be judges, baith Spirituall and Temporall, quha hes not bene allanerlie judges, bot plaine ſolliſtares,partiall Counſelloures, aſſiſters and partakers with ſum of the parties, and hes tane great geare and profite.

Therefore it is ſtatute and ordained in times cumming, that all juſtice, Schireffes, Lordes of Seſſion, Baillies of Regalities, Proveſt and Baillies of Burrowes, and vther deputes, and all vther judges, Spiritual and Temporall, alſweill within Regalities as Royaltie, ſall do trew and equal juſtice to all our Soveraine Lordis lieges, without ony partiall counſell, rewardes, or buddes taking, further then is permitted of the Law, vnder the paine of tinſell of their honour, fame, and dignitie, gif they be tainted and convicted of the ſamin: And gif ony maner of perſon murmuris ony judge, Temporal or Spirituall, alſweill Lordes of Seſſion, as vthers, and proovis not the ſamin ſufficientlie, hee ſalbe puniſhed in ſemblable maner and ſorte, as the ſaide judge or perſon quhom he murmuris, and ſall pay ane paine arbitrall, at the will of the Kings Grace, or his Councell, for the infaming of ſik perſones: Providing alwaies, gif ony Spirituall man failzies, that he be called before his judge Ordinar.

105 *Proviſion and paines of them committand fraude in alienation or vtherwaies.*

ITEM, For eſchewing of inconvenientes, that oft and diverſe times happenis in this Realme, of the new invented crafte and falſed committed and done dailie be them that ſellis their landes, or diſponis the ſamin, *ex titulo oneroſo*, that puttis their Bairnes or vther friend, and perſon in the ſtate of the ſamin, before the daite of the ſelling or giving thereof to vthers, as ſaid is: Herefore it is ſtatute and ordained, that quha ſellis and diſponis ony landes or annuall-rentes to ony maner of perſon, for ony cauſe, quhair warrandice may fall, and puttis vthers in private ſtate thereof, not be reſignation in the Kingis Grace handes, nor be confirmation with precept, paſt furth of the Chancellarie, nor be plaine reſignation in the Over-lordes handes, or confirmation of the Over-lord, and the perſon that happenis to get thir landes, and bruikes the ſamin peaceablie, zeir and daye, be labouring, manuring, and vptaking of the mailles, profites, and dewties, & ſwa kenned heretable poſſeſſour thereof, zeir and daye: The perſon or perſones havand private ſtate and ſaiſing of the ſaidis landes, ſall never be heard, to claime the ſamin, againſt the ſeconde heretable poſſeſſour, for ony cauſe, bot to perſew his intereſt againſt the principall giver, and his aires: And the perſon ſeller or giver, to be called and declared infamous, at the Kingis Grace inſtance, & to be puniſhed in his perſon and gudes, at the Kingis Grace will and pleaſure. And gif the Over-lordes receivis double reſignationes wittandlie, to the effect abone written, they to bee puniſhed ſik-like: And this Acte to be extended to them, that makis double aſſedationes, and double aſſignationes.

106 The creditour may perſew him quha is charged to enter within fourtie daies, and enters nocht.

AND Anent the remeid to be put to the fraude dailie committed be heretoures of them that ar dead, and ar awand great ſummes of money, to ſindrie perſones their creditoures, and the ſaidis aires fraudfullie lyis foorth, and will not enter to their landes, ſwa that they may be diſtreinzied for the ſaidis debtes, in caſe they be not diſtreinzieable in vthers moveable gudes: Therefore it is ſtatute and ordained, that letters ſalbe direct be deliverance of the Lordes of Councell, and at the inſtance of ony compleiner, to commande and charge the ſaidis heretoures (they beand of perfite age) to enter to their landes, zeir and daye being paſte, after the deceaſe of their Father, or predeceſſoures, quhom to they ſucceede, to enter to the ſamin, within fourtie daies, nixte after their charge: And failzieing thereof, letters ſalbe direct to the Schireffe of the Schire and his deputes, to appriſe the ſaidis landes to the ſaidis creditoures, for the ſaidis debtes (gif they be liquide.) The quhilk proceſſe of appriſing, ſall haue als greate ſtrength, force, and effect, as the ſaidis aires were entred thereto, and the ſaidis appriſed landes to be halden of the immediate ſuperiour thereof: Providing alwaies, that it ſalbe leaſum to the ſaidis heretoures, and their ſucceſſoures, to redeeme the ſaidis landes, within ſeven zeires, conforme to the acte of Parliament maid there-upon of before, and after the tenoure thereof in all poyntes.

107 Of packing and peiling.

ITEM, It is ſtatute and ordained, that na perſon vſe packing nor peiling of wooll, hides, nor skinnes, loſſe nor laid, out-with free Burgh, and priviledge thereof.

108 Anent furth-having of money of the Realme.

ITEM, Our Soveraine Lorde, with adviſe of three Eſtaites of Parliament, ratifies and apprievis, the actes and ſtatutes maid of before, anent the furth-having of money furth of the Realme, be Prelates, Kirkmen, and vthers, in furniſhing of their expeditions and buſineſſe, bot that the finance thereof be maid be Merchandes.

109 Meaſures of fiſh ſuld be marked.

ITEM, It is ſtatute and ordained, that ane binde and meaſure be maid for Salmounde, herring and Keiling: And that the ſamin be keiped throw all the Realme: And that the ſaide meaſure be conforme to the actes of Parliamente, and to that effect, that ilk Cowpper haue ane burning iron of his Marke, to marke ilk Barrell, and ſik-like the towne to haue ane ſearchour, quhilk ſall haue the townes marke in keiping, to burne ilk Barrell, ſwa that our Soveraine Lordis Cuſtome thereof bee not defrauded: And gif ony fiſh, Salmounde, Herring or Keiling, beis

beis foundin in ſik barrelles vn-marked, the ſamin to be eſcheit, and ſik-like the tume trees, that ane halfe to our Soveraine Lord, and the vther to the towne.

110 The paines of them that tinis the pley within Burgh.

ITEM, It is ſtatute and ordained, that gif ony perſon perſewis ane vther within Burgh, that the tiner of the cauſe, pay the winners expenſes, to be modified be the judge, conforme to the commoun Law, and dailie practickque of the Lordes of Councell.

111 Anentis conduction of craftef-men.

ITEM, Becauſe it is heavelie murmured, that all craftef-men of this realme, and ſpecially within Burrowes, vſis ſik extorſion vpon vthers our Soveraine Lordis Lieges, be reaſon of their craftes and privie actes and conſtitutiones, maid amangeſt them ſelues, contrair the commoun weill, and in great hurte, prejudice, damnage and skaith to all the Lieges of this Realme: Therefore it is ſtatute and ordained, that in all times cumming, it ſalbe leaſum to all our Soveraine Lordis lieges, that hes ony bigginges or reparationes to be maid, for the making of policie in this Realme, outher to Burgh or to Lande, to chuſe gude craftef-men, free-men, or vthers, as he thingis maiſt expedient, for ordouring, bigging, and ending of all ſik warkes. And gif ony craftef-men beginnis the ſaid warke, and delayis to end the ſamin, that the perſon that cauſis to big the ſaid warke, or reparation foreſaide, to chuſe and take vthers in their places, als oft as neede beis, to furniſh and ende foorth the ſaide warke, for policie of the Realme: And that na impediment be maid to ſik craftef-men, vſand their craft, as ſaide is, be ony vther of the ſaide craft within this Realme, vnder the paine of tinſell of their freedome, and breaking of the actes of Parliament: And that the Proveſt and Baillies of all Burrowes, take inquiſition herevpon, and put this acte to execution in all poyntes.

112 For drawers of Claith.

ALSWA, It is ſtatute and ordained, anentis drawers of claith, and Litſtars of falſe coullours: That in everie Burgh, there be an qualified man choſen, to ſeale all claith, and ſall haue for his laboures, of ilk ſteik ſealling, twelue pennies. And gif ony drawers of claith, beis apprehended, that ane halfe of the ſaidis gudes, to be our Soveraine Lords eſcheit, and the vther halfe to the Burgh, and the ſaid drawers within Burgh, for the firſt faulte, to tine their freedome for zeir and day: And for the ſeconde fault for ever. And ſiklike, of them out-with Burgh, dingand calk, creiſche, flailland, or cardand claith, that the ſamin be eſcheit, and they halden to refound the skaith to the awners: And gif the ſaide ſealler beis foundin culpable, ſealland vn-ſufficient coullour, or

drawen

drawen claith, he to tine his freedome,and to be puniſhed in his perſon and gudes.

113 Fore-ſtallers within Burgh.

ITEM, It is ſtatute and ordained, gif ony Fore-ſtallers be apprehended ,fore-ſtalland ony maner of Merchandice,victualles, pultrie, or gudes quhat-ſum-ever, within the freedome of Burgh, that the Officiares of the ſaide Burgh,eſcheit the ſamin,the ane halfe to our Soveraine Lordis vſe, and the vther halfe to the Burgh,conforme to the act of Parliament maid hereupon of before: And that na vther officiar haue power thereto, within the boundes of free Burgh.

114 Anentis weichtes.

ITEM, It is ſtatute and ordained, that na Burgh haue ane weicht to bye with,and ane vther to ſell,different in weicht therefra bot that all Burrowes haue ane vniverſall weicht of the ſtane,baith for byeing and ſelling of all ſtuffe in time to cum.

115 Annexation of landes to the Crowne.

OVR SOVERAINE LORDE, With adviſe and conſent of his three Eſtaites, hes annexed the Landes vnder written, to remaine perpetuallie with his Grace,and his Succeſſoures, as patrimonie of his Crowne,with all clauſis,reſtrictiones and proviſiones,ſik-like as is conteined in the annexations of vthers landes,maid be his hieneſſe in his laſt Parliament,and be his Predeceſſoures,Kingis of *Scotland*: And will that the ſamin be halden as for expreſſe in this preſent acte: Of the quhilkis landes the names followis: That is to ſay, All and haill the lands of *Cro-mar* and *Braa* of *Mar*: All and ſindrie,the landes of *Hinder-land*, with the Towre and Fortalice of the ſamin,& their pertinentes,advocationes & donationes of Kirks & Chaplanaries: Al and ſindrie,the lands and Barronnie of *Eaſt weemes*, Towre and Fortalice of the ſamin, advocation and donation of Kirkes, tennents, tennandries,partes,pendickles,annexes,connexes,and pertinentes thereof: And al vther and ſindrie landes,quhilkis perteined to vmquhile *Iames Colvill* of *Eaſt-weemes* Knicht, the time of his deceaſe, and nowe perteining to OVR SOVERAINE LORDE,be reaſon of doome of forefaltour given therevpon: And als the landes of *Buck-hauen*, except ſa-meikle thereof, as pleaſe the Kingis Grace, to giue to the Abbot, and convent of *Dumfermeling*,in *excambium*,for ane parte of their landes of *Weſter-Kinghorne* beſide the *Brint-Ilande*, conforme to the Charters to be maid therevpon. And als except it ſalbe leſum to our ſaid Soveraine Lorde,to ſet his ſaide annexed landes in few,for augmentation of his zeirlie rente,conforme to the act of diſſolution maid in this preſent Parliament.

116 The

116 The dissolution of the vnion, for setting of fewes.

ITEM, Becauſe it is thocht be the Kingis Grace, and the haill three Eſtaites of this Realme, that the ſetting of his landes, baith annexed and vn-annexed in few, is to the great profite of his Crowne, ſwa the ſamin be maid in augmentation of his rentall: It is therefore ſtatute and ordained be our Soveraine Lorde, and his three Eſtaites of this preſent Parliament, that it ſalbe leſum to his hieneſſe, to ſet all his proper landes, baith annexed, and vn-annexed in few-ferme, to ony perſon or perſons, as he pleaſis, ſwa that it be not in diminution of his rentall, gerſſumes, or ony vther dewties, bot in augmentation of the ſamin, and to ſet them with ſik clauſis, as he thingis expedient, and to be given, according to the condition foreſaide. And that the landes, that he ſettis in his time, as ſaid is, ſtand perpetuallie to the aires, after the forme of their condition: And that this ſtatute indure for the life-time of the King, our Soveraine Lord that now is, allanerly: ſwa that the landes that he ſettis in his time, with the conditions foreſaidis, ſall ſtand perpetuallie: And after his deceaſe, the annexationes quhilkis ar maid of before, ſall returne againe to the awin nature, ſwa that his Succeſſoures ſall not haue power to annalie not ſet in few, mair then they had before the making of this ſtatute.

117 *That na faith be given to evidentes ſealed, without ſubſcription of the principall or Notar.*

ALSwa it is ſtatute and ordained, that becauſe mennis ſeales may of adventure be tint, quhair-throw great hurt may be genered to them that awe the ſamin: And that mennis ſeales may be feinzied, or put to writinges, after their deceaſe, in hurte and prejudice of our Soverain Lords lieges: That therefore na faith be given in time cumming, to ony obligation, band, or vther writing vnder ane ſeale, without the ſubſcription of him that awe the ſamin, and witneſſe: or elſe gif the partie cannot write, with the ſubſcription of ane Notar thereto.

118 Anentis burning of Cornes, raiſing of fire, and raviſhing of weemen.

ITEM, It is ſtatute and ordained, that the committers of the crimes of fire-raiſing, & raviſhing of weemen, be put vnder ſovertie to the Law, likeas the crimes of ſlauchter and mutilation: And in-caſe of none-finding of ſovertie, to denunce them rebelles, likeas men ſlayers And als becauſe the burning of Cornes in barne zairdes, is ſa greate offenſe againſt the commoun weill: That therefore there be never reſpect nor remiſſion

remiſſion given in time to-cum,to ony perſones that burnis cornes in ſtacks or barnes,bot the committers thereof,to be juſtified to the death, or elſe baniſhed the Realme for ever.

119 Anentis them that breakis or paſsis contrair the Kingis Grace priuiledges,granted to him be the ſeate of Rome

ITEM, Anentis the artickle maid to provide how the auld actes and ſtatutes, maid againſt them that dois contrair the Kingis priviledges, granted to his Predeceſſoures and Succeſſoures, be the ſege of *Rome*, and ſpeciallie Temporall men,that ar contrair the ſaidis actes, in lichtlying of the Kingis authoritie, makis finance and furniſhing to the perſones,breakand and hurting our Soveraine Lordis priviledge,quhat ordour ſalbe taken againſt *Scottis* Clerkes,remainand in *Rome*, that ſtands contrair our Soveraine Lordis priviledge: It is ſtatute and ordained in this preſent Parliament, that the ſtatutes and actes maid thereupon of before, againſt them, paſſand contrair our Soveraine Lords priviledge, be obſerved and keiped in time to-cum: And that dittay be taken vpon the breakers of ony of the ſaidis actes, to vnderly the Law for the ſame, the thrid daye of the nixt juſtice aire of the Schire, quhair the breakers dwellis, or vpon fifteene daies warning, before our Soveraine Lordis juſtice principall, or his deputes, quhen, and quhair they ſall be ſummoned thereto, be our Soveraine Lordis letters, ſwa that juſtice ſalbe extreemelie done vpon them paſſand incontrair the priviledge granted to the Kingis Hieneſſe, and breakand the actes and ſtatutes maid thereupon,after the forme and tenour thereof.

120 The neareſt of the Kin,to haue the gudes of minors,that dies inteſtat,without preiudice of the Quote.

ITEM,Anent the artickle proponed: For-ſameikle as oft-times zoung perſones dies, that may not make teſtamentes,the Ordinares vſis to giue their executoures Datiues to their gudes, quhilkis intromettis therewith, and with-drawis the guds fra the kin and friendes, that ſuld haue the ſamin be the Law: It is ſtatute and ordained, bee the three Eſtaites of this preſent Parliament, that quhair ony ſik perſons dies within age, that may not make their teſtamentes,the neareſt of their kin to ſucceede to them, ſall haue their gudes, without prejudice to the Ordinares,anent the Quote of their teſtaments.

121 All the Kingis Lieges may ſell bread in Edinburgh *on mercat dayes.*

ITEM, Becauſe of the great repaire in *Edinburgh*, throw reſorting of our Soveraine Lord his lieges,and vthers ſtrangers,and it is neceſſar, that they be provided of bread,gud & ſufficiēt ſtuffe: Therefore it is ſtatute and ordaned,that there be oulklie three mercat dayes for ſelling of bread within the ſaid Toune: That is to ſay,*Mononday*,*Wedneſ-day*,and

Fryday oulklie, vpon the quhilk daies, it ſalbe leiffull to al our Soveraine Lordes lieges, baith to burgh and to land, to cum vpon the ſaid mercat daies to the ſaide towne, and ſell their bread for reddie money, without trouble or injuries to be done to the perſones, cummande with their bread, to the effect foreſaid.

122 All the Kingis lieges may ſell fleſh in Edinburgh *on the mercat day.*

ITEM, It is ſtatute and ordained, that there be three mercat daies oulklie in the ſaide Towne, for ſelling of fleſh: That is to ſay, *Sun-day*, *Mononday*, and *Fourſday* oulklie, all maner of perſones, baith to Burgh and to Lande, ſalbe free to cum and ſell fleſh for reddie money, for the furniſhing of our SOVERAINE LORDE, and his lieges, and vthers repairand to the ſaid Towne.

123 Talloun ſuld not be carried awaie, nor barrelled.

ITEM, FOR-SAMEIKLE As it was ſtatute and ordained of before, that na Talloun ſulde be had foorth of the Realme, for the eſchewing of the dearth of the ſamin, not-theleſſe the Talloun is caryed foorth in greate quantitie, quhilk hes raiſed exceedand dearth in the Cuntrie, puttand the ſtane of Talloun to ane double price or abone: THEREFORE It is ſtatute and ordained in this preſent Parliament, that na perſon nor perſones, take vpon hande in time to cum, to cary ony Talloun foorth of the Realme, vnder the paine of tinſell of all their gudes moveable, cummand in contrair hereof: And that all Cuſtomers, at everie Porte of the Realme, quhair Schippes ar trauchted, make ſearchoures to ſearch and ſeeke all Schippes, and quhair ony Talloun beis ſchipped, or brocht to the Schippes, to be caryed foorth of the Realme, to eſcheit the ſamin: That is to ſay, that ane halfe to their awin vſe that apprehendis the Talloun, and the vther halfe to OVR SOVERAINE LORDIS vſe. And that the Cuſtomers make compt here-upon zeirlie in the Checker: And als, that they advertiſe OVR SOVERAINE LORDIS Theſaurar of the perſones awners of ſik Talloun eſcheited, ſwa that he may in-bring the remanent of their moveable gudes, to OVR SOVERAINE LORDIS vſe, for their contemption: And in likewiſe, that na maner of man, fleſcheour, nor vthers, to Burgh nor to land, take vpon hand, to rinde, melt, nor barrell talloun, vnder the paine of tinſell of all their gudes.

124 Of them that counterfaictis the Kingis money.

ITEM, For-ſameikle as diverſe wicked, evill adviſed perſones, feinzies and counterfaictis our Soveraine Lordis money, quhilk may returne to the greate damnage of this Realme, without remeid bee provided therefore in time: Therefore it is ſtatute and ordained, that al Proveſts, Alder-

Aldermen,Baillies, and officiares of Burrowes, ſearch and ſecke vpon al mercat daies,& vther times neceſſar,all perſones that can be apprehended,havand falſe money,or counterfaictis the Kingis irons for cuinzie: And bring or ſend them to our Soveraine Lordis juſtice, to be juſtified for their demerites,after the forme of the Lawes of the Realme, maid vpon falſe cuinzieoures.

125 He that takis places of Biſhoppes and Abbotts, after their deceaſe,committis treaſon.

SWA In the firſt, for the honour of God, and halie Kirk, our Soveraine Lorde,with adviſe of the three Eſtaites, ordainis that the freedomes, priviledges,and immunities of halie Kirk, and all Spiritual perſones, be obſerved and keiped in honour,worſhip and dignitie, for the time of our Soveraine Lord, that now is,like as hes bene in the time of his maiſt Noble Progenitours of gude minde,quhome God aſſoilzie,of before, with this addition: That for-ſa-meikle as quhen Prelates,ſik as Biſhopprickes or Abbacies, happenis to vaik, the nomination thereof, perteinis to our Soveraine Lord, and the proviſion of the ſamin, to the *Paipe*: Neverthelesſe,evill diſpoſed perſones in troublous times,hes put handes, and taken Biſhoppes Caſtelles, Palices, and Fortalices,at their awin hand,be their awin authoritie,and but our Soveraine Lordis command,cõſent, or letters,at times quhen Biſhoppricks vaiks & vthers:and in likewiſe,enters in Abbaies and takis them, & puttis the ſame in keiping in ſecular mennis handes,but conſent,command, or letters of the Kingis Grace, and als but commande, adviſe, or deſire of the Conventes of ſik Abbaies,in hie diſpleaſure of GOD Almichtie, and in hie contemption of our Soveraine Lordis authoritie, quhair-throw the Kirk and Kirkmen ar heavielie hurte and damnaged: Therefore it is ſtatute and ordained in this preſent Parliament, that quhat-ſum-ever perſon or perſones, in ony time to cum, takis ony Biſhoppes Places, Caſtelles, or ſtrengthes, or enters be their awin authoritie in Abbaies, to halde thay places,but our Soveraine Lordis commande, letters or charges,or deſire of the Convents thereof, at times quhen ſik Biſhopprickes or Abbaies vaikes, or ony vther time, theynot vaikand, but the Kingis authoritie, they ſall incurre the crime of treaſon and leſe-majeſtie, and ſalbe called therefore at the Kingis pleaſure,vpon their fore-faltour,and to tine their liues,landes,heritages,and gudes moveable,and vn-moveable,honour,and offices,becauſe the Kingis Grace is halden and boundin,to defend the Halie Kirk,and Kirk-men, in their juſt actiones.

126 Officiares of armes may be deprived be the Theſaurer

THE Lordes ordainis, that becauſe the Kingis Officiares, quhen they ar charged be the Theſaurer to do ſervice to the Kingis Grace in his earandes, alleagis that they haue na Horſe nor their wages

with ſufficient, quhair-throw diverſe maters concerning the commoun weill of the Realme, ar poſtponed : That therefore the ſaid Theſaurer ſall haue power to take the armes fra ony of our Soveraine Lordis officiares, vnder Herauldes, that refuſis to paſſe ſik earandes, as hee layis to their charge, in the Kingis name, in time to cum.

127 *The Clerke of Regiſter havand the Kingis licence, ſuld cauſe imprent the actes of Parliament.*

OVR Soveraine Lord hes ordained, that the actes of Parliament maid be his Hieneſſe, be publiſhed out-throw all the Realme. And that all Schireffes, Stewards, Baillies, Proveſtes and Baillies of Burrowes and vthers his lieges, may haue the copyes thereof, and pretend na ignorance, throw miſ-knawing of the ſamin : Hes ordained his Clerke of Regiſter, to make ane authentik extract and copy, of all the ſaidis acts, ſa far as concernis the commmoun weill, vnder his ſubſcription manuall, to be imprented, be quhat Prenter it ſall pleaſe the ſaid Clerke of Regiſter to chuſe: And it ſall not be leaſum to ony vther prenter to imprent the ſamin within this Realme, or without the ſamin, or bring hame to bee ſauld, for the ſpace of ſex zeires nixt to-cum, vnder the paine of confiſcation of the ſamin: Providing alwaies that the ſaid prenter to be choſen be the ſaid Clerk of Regiſter, as ſaid is, haue our ſaid Soveraine Lordis ſpeciall licence thereto.

FINIS.

THE FIRST PARLIAMENT OF MARY, QVEENE OF SCOTLAND, HALDEN at Edinburgh, the xiij. day of March, the zeir of God, ane Thouſand, fiue hundreth fourtie twa zeiris: Be Iames Earle of ARRANE, Lord HAMMILTOVN, Tutour and Governour to her, the Realme and Lieges.

1 Paſſing of ſignatoures throw the ſeales, after the Kingis deceaſe.



THE Lord Governour, with adviſe of the three Eſtaites of Parliament, ratifies and apprievis the act maid at *Edinburgh*, the auchteenth day of *Ianuar*, laſt by-paſt, touching the paſſing of all ſignatoures, concerning infeftmentes throw the ſeales: And ſik-like of reſpectes, remiſſiones, and vthers, as is conteined in the ſaide acte, and after the forme and tenoure of the ſame: And prorogatis the terme conteined in the ſaid acte, for raiſing of the ſaids ſeales: ſik-like all ſummoundes to be raiſed vnder the quarter ſeale, quhil the firſt day of *Auguſt* nixt-to cum. Of the quhilk act, the tenour followis: AT *Edinburgh* the auchteenth day of

Ianuar, the zeir of God, ane thouſand, fiue hundreth, fourtie twa zeires: The quhilk day it is thoucht neceſſar and expedient, be the Lords of Councell, at the command of the ſaide Lord Governour, for the commoun weill, and weill of ſindrie Lordes, Barronnes, and landed-men, and vthers our Soveraine Ladies Lieges, quha obteined before the deceaſe of our Soveraine Lord, quhom God aſſoilzie, ſignatoures of new infeftmentes of their landes be reſignation, alienation, confirmation, and als remiſſiones, and maid compoſitiones therefore, with conſent and adviſe of the Theſaurer, and was ſubſcrived be our ſaid vmquhile Soveraine Lord, and his Theſaurer, quhilkis as zit ar not paſt the ſeales: Quhairfore the ſaidis Lordes ordainis and ſtatutis, that all newe infeftmentes and ſignatoures foreſaidis, ſall paſſe orderly throw all our ſaide vmquhile Soveraine Lordes Seales, and to be of als greate ſtrength, valour and effecte, as and they had bene raiſed afore his Grace deceaſe. And albeit the great Seale, and privie ſeale ar now changed, and diverſe precepts were direct of before, That is to ſay, to *David*, Cardinal of *Saint Andrewes*, keiper of the privie Seale, and fra the ſaid privie Seale, direct to *Gawin*, Arch-biſhoppe of *Glaſgow*, Chancellar for the time: That the ſaidis precepts be anſwered be the keipers of the ſaidis ſeales, and they to be of als great ſtrength, valour, and effect, as they were direct to *Iohn*, Abbot of *Paſlay*, now keiper of the privie ſeale: And to the ſaide *David*, Cardinall of *Saint-Andrewes*, now Chancellar and keiper of the great Seale: And als ordainis, that all precepts of ſaiſinges els raiſed, vpon infeſtmentes, granted be vmquhile our ſaid Soveraine Lorde, that ar elſe paſt the great ſeale, and ſiklike that ar to be paſt vpon the ſignatoures and precepts foreſaidis, ſalbe ſufficient, and of als great valoure, ſtrength, and effect, for giving and taking of the ſaidis ſaiſinges (notwithſtanding our ſaid vmquhile Soveraine Lordis deceaſe) as they had bene put to execution, and ſaiſing taken thereupon, afore his Grace deceaſe: And that letters bee direct throw all the Realme, to publiſhe this conſtitution, and to warne all maner of perſones, that hes raiſed ony ſignatoures and preceptes there-upon, in maner fore-ſaide, that they cum and paſſe vnder the ſaidis Seales orderlie, as effeiris, betuixt this and the Feaſt of *Paſche* nixt to cum, with certification and they failzie, the ſaids ſignatoures and precepts raiſed therevpon, ſalbe of na force nor effect, fra the ſaid day foorth, and ſall not be anſwered of the ſaidis Seales, the ſaid day being by-paſt.

FINIS.

THE

THE SECOND PARLIAMENT OF MARIE, QVEENE of Scotland, halden at Edinburgh, the fifteenth day of *December*, the zeir of God, *ane thouſand, fiue hundreth, fourtie* three zeires.

1 Ratification of the inſtitution of the College of Iuſtice, and payment of the contribution granted to them.

THE Quhilk day, the Queenis Grace, with aduiſe of the Lord Governour, and three Eſtaites of the Realme, ratifies and apprieuis the inſtitution of the College of Iuſtice: With all priuileges, freedomes, and liberties, giuen & granted to the ſamin, in ſiklike maner, forme, and effect, as it was in vmquhil our Soueraine Lords time, that laſt deceaſed, and ſenſine.

AND Mair-over, the three Eſtaites of Parliament, decernis and ordainis, letters to be direct, to require the Ordinares to giue their letters vpon all Prelates, to cauſe payment be maid of all reſtes, awin be them to the ſeate of the Seſſion, of al termes by-gane: And ſik-like in time cumming zeirlie and termelie, within ſex daies nixt after their charge, vnder the paine of curſing: quhilk vj. daies being bypaſt, & they not payand: that the Queenis Grace letters be direct, to poynd and diſtreinzie their Temporal landes and gudes, conforme to the Actes maid of before, for in-getting of the contribution, for ſuſtentation of the perſons that dailie and continuallie remainis, for adminiſtration of juſtice, to all the Lieges of this Realme.

FINIS.

THE THRID PARLIAMENT OF MARIE, QVEENE of Scotland, halden at Edinburgh, the fourth daye of *Auguſt*, the zeire of God, ane thouſand, fiue *hundreth, and fourtie* ſex zeires.

3 *Tennentes ſuld be remoued in quiet maner, without convocation.*

THE Quhilk day the Lord Governour & three Eſtaites of Parliament, ratifies and apprievis in this preſent Parliament, the acte maid at *Striviling*, the elleventh day of *Iunij*, the zeir of God, ane thouſand, fiue hũdreth, fourty ſex zeires, maid anentis the laying furth of tennentes be their Over-lordes, as at mair length is conteined in the ſaid acte: of the quhilk the tenour followis: THE quhilk day the Lord Gouernour, with aduiſe of the Queenis Grace, and Lordes of Councel, vnderſtandand that there is great convocationes maid in the realm, for putting and laying of men furth of their tackes and ſteadinges, and ſik-like, to reſiſt to the Lordes of the ground, their Baillies and officiares to lay them foorth, quhilk is the occaſion of great trouble and ſlauchter amangſt our Soveraine Ladies lieges: Therefore it is ſtatute and ordained, that letters be direct to all Schireffes, Stewardes, Baillies, and their deputes, and to vthers officiares of the Queenis Schireffes in that parte, to paſſe to the mercat croce of the head Burrowes of the Schires, and there be open proclamation, commande and charge, all and ſindrie our Soveraine Ladies lieges, of quhatſumever degree they be, that nane of them tak vpon hand to mak ony convocation, for putting and laying furth of ony tennentes, bot that they be their baillies and officiares, lay furth the ſaidis tennentes gudes orderly, conforme to the Lawes of the Realme, obſerved and keiped in times by-gane: Nor zit that na maner of tennentes mak ony convocation or gaddering, for reſiſtance to their Lords of the ground, their Baillies and officiares, vnder the paines conteined in the actes of Parliament, maid againſt them, that makis ony gadderinges or convocations, with certification to them that dois in the contrair, that they ſalbe called at particular diets, and ſalbe puniſhed therefore with all rigour, as accordis. And gif ony perſon thinkis them offended be vthers, ordainis that they ſalbe called outher criminally or civilly, and juſtice ſalbe miniſtred, as accordis.

THE

THE DISPOSITION OF BENEfices, wardes, reliefes, and mariages, and of poſſeſſiones of them that happenis to die in the armie: *the zeir of God, ane thouſand, fiue hundreth,* fourtie ſeven zeires.

4 Anent Kirk men.

AT *Monk-toun-Hall*, the aucht day of *September*, the zeir of God, ane thouſand, fiue hundreth, & fourtie ſeven zeires: The quhilk day, my Lord Governour, with adviſe and conſent of the Prelats, Kirkmen, Earles, Lordes, Barronnes, and all vthers Patrones of benefices, baith Spiritual and Temporal vnderſtand and that the haill bodie of the Realme, is paſſand forwarde at this time, to reſiſt our aulde enemies of *England*, cumming in this Realme to invade the ſamin: Ordainis, that quhat-ſum-ever Kirk-man that happenis to be ſlaine in this preſent armie, hurte to the death, or takis ſeicknes in the ſamin, and dies in the ſaid ſeicknes gangand, remainand, or cũmand therefra: That the neareſt of the ſaid Kirk-mennis kin, ſall haue the preſentation, proviſion & collation of his benefice for that time allanerly: And the ſamin to be diſponed to the neareſt of his kin, that happenis to be ſlaine, or deceaſe, in maner foreſaid, maiſt able therefore: And the profites of their benefices, with the fruites ſpeciallie on the grounde, with the annat theirafter to perteine to them and their executoures, alſweill Abbottes, Priores, and all vthers Religious men, as all vther Kirk-men.

5 Anent the warde, reliefe and mariage,

ITEM, It is ſtatute and ordained, that quhat-ſum-ever perſon or perſones, happenis to be ſlaine, hurte to the death, or take ſeickneſſe in our Soveraine Ladies armie, now ordained in reddineſſe to paſſe forwarde, for defenſe of the Realme, and reſiſting of our auld enemies of *England*, now gaddered to invade the ſame, and dies in the ſaid ſeicknes, gangand, remainand or cummand therefra: That their aire or aires, ſall haue their warde, none-entreſſe, reliefe, and mariage, free of our Soveraine Ladie, diſpenſand with their minoritie and leſſe age, quhat eilde that ever they be of, without payment of ony teinde-pennie: And ſiklike, of all vther Lordes, Spirituall and Temporall, baith of vaſſalles and ſub-

ſub-vaſſalles: Providing that the aires foreſaidis, perſew and obteine entereſſe of their Over-lordes, within three termes after the deceaſe of their fathers, or of quhat-ſum-euer vther perſone, quhom to they ar to ſucceede, for the cauſis foreſaidis: And gif the ſaidis aires be of leſſe age, within tutorie, and beis not entred to their landes and heritage, before their age of fourteene zeires, quhilk may be throw negligence of their tutores, and vthers their friendes: Our Soveraine Ladie priviledgis and grantis to them, that they may enter within three termes, nixt after their compleit age of fourteene zeires, as ſaid is: And this to be extended to the mediate aire, that is to ſucceede to the perſon, that happenis to deceaſe in our Soveraine Ladies armie, in maner foreſaid: And becauſe it may happen the ſaid perſon, that happenis to deceaſe in the ſaid armie, to haue maa lauchfull bairnes of his bodie by his aire: Therefore ordainis, that the profites of his waird landes be tane vp be their Mothers, gif there be na tutoures teſtamentars, als lang as ſcho remainis widow, and failzieing thereof, be the neareſt and lauchfull tutoures of the ſaids bairnes, to be diſtribute for the ſuſtentation of the ſaid aire, and to the vtilitie and profite of the remanent of his brether and ſiſters, to the perfite age of the ſaide aire or aires: That is to ſay, gif the aire be male of twentie ane zeires, and gif they be femal of fourtene zeires, the profit of the ſaide aires mariage, being ay free to himſelfe, his ſaidis Mother, tutour, and governour, findand ſufficient caution before the Lordes, that they ſall make compt and reckoning of their intromiſſion, before the Lordes of Councell, or in the Checker zeirlie: And gif the aires of the perſones that happenis to die, as ſaid is, haue ony fewes, that they enter ſik-like to their few landes, halden of quhatſumeuer perſones, Spiritual, or Temporall, within the termes foreſaidis, without ony payment of the doubling of the few.

6 Ancnt poſſeſſiones.

THE Quhilk day the Lorde Governour, and all the Noble-men, Barronnes, Free-halders, and Gentle-men, being conveened and aſſembled togidder, to paſſe forwarde, for defenſe of this Realme, and reſiſting of our auld enemies of *England*, now inſtantlie approcheand to the Lord Governour, and his armie: Hes deviſed, ſtatute and ordained, alſweill be the Lord Governours awin conſente, as the conſent of the Noble men, baith Spirituall and Temporall: That gif it ſall happen (as God forbid) ony Earle, Lorde, Barronne, Free-halder, vaſſall, ſub-vaſſal, fewares, maillers, tackeſ-men, rentallars, & poſſeſſoures, or commounes to be ſlaine, or take ſeickneſſe, quhair-throw they happen to deceaſe at this preſent armie: That their aires, executours, or aſſignayes, ſall freelie haue their awin wairdes, reliefes, and mariages in their awin handes, to be diſponed thereupon, as they ſall thinke expedient: And ſik-like their wiues, bairnes, executours, or aſſignayes, ſal bruik their tackes, ſteadings, rowmes and poſſeſſions, alſweill of Kirk-landes, as of Temporal mennis landes

landes,and enter thereto,and remaine therewith freelie, for the ſpace of fiue zeires, without ony greſſum or entreſſe ſilver, payand allanerlie mailles and dewties, vſed and woont: And the ſaid act alſweill to extend vpon Kirk-mennis vaſſalles,and Temporalles,as vpon the Queenis.

FINIS.

THE FOVRTH PARLIAMENT OF MARIE, QVEENE of Scotland, halden at Edinburgh, the xxix. daye of *Maij*, the zeire of God,ane thouſand, fiue *hundreth, and fiftie* ane zeires.

7 *All the gudes moveable of them quha ſuſteinis the proceſſe of curſing ane zeir, or communicatis, being excommunicate ſall perteine to the King, the creditour being firſt ſatisfied.*

THE Quhilk daye, the Lorde Governour,with adviſe of the three Eſtaites of Parliament, hauand reſpect to the Noble,Catholick and Chriſtian actes and ſtatutes, maid bee vmquhile our Soverain Lord,King IAMES the Fifth, that laſt deceaſed, quhom God aſſoilzie,for conſervation and halding of his Lieges in the trewe and godlie faith ever hiddertils, not onely be him, bot alſo be his maiſt Noble Progenitoures, inviolablie obſerved and keiped, ſen they firſt received the ſamin: And in ſpeciall,ſik ſtatutes,ordinances and actes maid anentis them that wilfullie,obſtinatelie,or arrogãtly incurris the paines of curſing,be ony maner of way,and lyis vnder that damnable ſtait lang time, ſchawand their vngodlie life to vthers the faithfull lieges of this Realme,havand na regard to be participant of the merite of the bloud of CHRIST, quha throwe their arrogancie, obſtinacie, and in-obedience,wilfullie,throw coullour and pretenſe of devotion,to ſchawe their hie hypocriſie, cummis to the halie buirde of CHRIST, and receivis the Sacramente, lyand vnder the ſaide Cenſures of curſing, to the evill example, of the vthers gude,trew,ſimple Catholick people:

And

And for remeid hereof, and for eſchewing of ſik evill abominable, perverſe & deteſtable vices in times cumming, to the effect that the lieges of this Realme may liue in trew faith in our Soveraine Ladies time, that now is, as they haue done in her maiſt Noble Progenitoures times: Hes ſtatute and ordained, that quhatſumeuer perſon or perſones, ar denunced curſed, for ony maner of cauſe in their Paroch Kirk openlie and publicklie, on ane ſolemned daye, in time of divine ſervice before noone, before the Parochin, or perſonally quhair-ever they be, before famous witneſſe, and ly is therein obſtinatlie be the ſpace of ane zeir, or receivis the bodie of CHRIST, bleſſed and halie Sacrament, vnder the ſaide curſing, vn-reconciled to the boſome of halie Kirk, that all their gudes moveable throw that deede, ſall fall in our Soveraine Ladies handes, be reaſon of eſcheit, and that the ſamin be in-brocht to her vſe, quhair-ever they may be apprehended, to be diſponed at her grace plea ſure: Providing alwaies, that they at quhais inſtance ſik perſones ar denunced curſed, for ſummes of money, for fulfilling of ony deede, ſal be firſt ſatisfied and payed of all ſummes, or vther thinges that they may craue, be vertew of the ſaidis letters of curſing, of the ſaidis eſcheit guds, and thereafter the remanent to perteine to our Soveraine Ladie. And that letters be direct to make publication hereof at all places needefull,

8 *Declared Traitoures may be ſlaine: And quha quarrellis the ſamin, committis treaſon.*

THE Quhilk day, Forſameikle as the Lorde Governours Grace, and three Eſtaites of Parliament, havand reſpect to the great, heavy, and abhominable crime of treaſon and leſe-majeſtie, committed be diverſe and ſindrie OVR SOVERAINE Ladies lieges within this Realme, and out-with the ſamin, for quhilkis ſik traitoures hes bene called, accuſed, and be the three Eſtaites declared traitoures in Parliament: Notwithſtanding ſik traitoures ſwa baniſhed and fugitiue, without licence or tolerance of our Soveraine Lady, or the Lord Gouernours reſpect, remiſſion, or *ſuperſedere*, cummis and reſortis againe within this Realme, and hantis and repairis amangſt our Soveraine Ladies Lieges, like as they, nor nane of them had committed ony offenſe againſt our Soveraine Lady, the Lord Governour, the realme, nor the authoritie, & ar receipt, fortified and mainteined be OVR SOVERAINE LADIES Lieges, their aſſiſters, favourers, mainteiners & airt and part-takers with them in their treaſonable deedes, havand na regard toward our Soveraine Lady, the Lorde Governour, nor the authoritie: And in times cumming, to ſchaw that foule abhominable crime of leſe-majeſtie and treaſon, and for puniſhment of the committers thereof, their aſſiſters, favourers, mainteiners, receipters, fortifiers, and part-takers of all ſik Traitoures, and their companie, and to avoide the companie of vthers, OVR SOVERAINE LADIES trew and faithfull ſubjectes:

It

It is deviſed, ſtatute and ordained be the Lord Governour, and three eſtaites of Parliament, that incaſe ony ſik declared traitour, or traitours, happenis to be handled, taken, apprehended or ſlaine vpon ſuddantie, or vtherwaies put to death: then and in that caſe, it ſall not be leiffull to the kin, friendes, aſſiſters, fortifiers, maintainers, favorers, or airt & pairt-takers with ſik traitoures on na wiſe, fra the time that ſik-like traitour or traitoures happenis to bee handled, apprehended or ſlaine fra thine foorth, to mooue onie queſtion, pick, grudge or querrell, or beare onie rancour, hatrent, or envie againſt the perſon or perſones, committers of the ſlauchter of ſik-like perſones traitoures, nor to perſew nor in-vade them for bodiely harme, ſlauchter, or vtherwiſe, to injure them in word or deed for that cauſe, nouther for times by-gane, nor to-cum, vnder the pain of treaſon, with certification toquhatūſeuer perſon or perſons, that cummis in the contrair of the premiſſes, that he ſalbe called & accuſed vpon treaſon, like as the committar of the principall crime ſalbe in lik maner puniſhed, conforme to the Lawes of the Realme, with all rigour

9 *Anent them that ſchuttis with gunnis at Deare and wilde-fowle.*

THE Samin daye, for-ſa-meikle as it was deviſed, ſtatute and ordained of before, that nane of OVR SOVERAINE LADIES Lieges, ſulde take vpon hande to ſchutte with the halfe hag, Culvering, or Piſtolet, at Deare, Rae, wild-beaſtes, or wilde-fowles, under the paine of death: Nothwithſtanding our SOVERAINE LADIES Lieges, daylie and continuallie in-contrair the tenour of the actes maid thereupon, in-currand the paines conteined in the ſamin, ſchuttis with the halfe-hag, culvering and Piſtolette at the ſaidis wilde beaſtes, and wilde-fowles, quhair-throw the Noble-men of the realme, can get na paſtime of halking and hunting, like as hes bene had in times by-paſt, bee reaſon that all ſik wilde-beaſtes and wilde-fowles ar exiled and baniſhed, be occaſion foreſaide: And for remeid hereof: It is deviſed, ſtatute and ordained be the Lorde Governouris Grace, and three Eſtaites of Parliament, zit as of before, that nane of OVR SOVERAINE LADIES Lieges, of quhat-ſum-euer degree hee be of, take vpon hande to ſchutte at Deare, Rae, or vther wilde-beaſts or wilde fowls, with half-hag, culvering or piſtolet in ony times tocum, vnder the paine of death, & confiſcation of al their guds, for their contemption, & quhat perſon or perſones, that happenis to take or apprehend ony maner of perſones, cummand in-contrair this preſent acte and ſtatute, and bringis him to the Schireffe of the Schire, or his deputes, the taker ſall haue the eſcheit of all the perſones gudes hee apprehendis, and ſalbe rewarded vther-waies, as accordis for his laboures.

And for remeid hereof, and for eſchewing of ſik evill abominable, perverſe & deteſtable vices in times cumming, to the effect that the lieges of this Realme may liue in trew faith in our Soveraine Ladies time, that now is, as they haue done in her maiſt Noble Progenitoures times: Hes ſtatute and ordained, that quhatſumeuer perſon or perſones, ar denunced curſed, for ony maner of cauſe in their Paroch Kirk openlie and publicklie, on ane ſolemned daye, in time of divine ſervice before noone, before the Parochin, or perſonally quhair-ever they be, before famous witneſſe, and ly is therein obſtinatlie be the ſpace of ane zeir, or receivis the bodie of CHRIST, bleſſed and halie Sacrament, vnder the ſaide curſing, vn-reconciled to the boſome of halie Kirk, that all their gudes moveable throw that deede, ſall fall in our Soveraine Ladies handes, be reaſon of eſcheit, and that the ſamin be in-brocht to her vſe, quhair-ever they may be apprehended, to be diſponed at her grace plea ſure: Providing alwaies, that they at quhais inſtance ſik perſones ar denunced curſed, for ſummes of money, for fulfilling of ony deede, ſal be firſt ſatisfied and payed of all ſummes, or vther thinges that they may craue, be vertew of the ſaidis letters of curſing, of the ſaidis eſcheit guds, and thereafter the remanent to perteine to our Soveraine Ladie. And that letters be direct to make publication hereof at all places needefull,

8 *Declared Traitoures may be ſlaine: And quha quarrellis the ſamin, committis treaſon.*

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10 *The act maid anent the annuelles of landes burnt be our auld enemies of* England, *within Burrowes.*

AT *Edinburgh*, the elleventh day of *September*, the zeir of God, ane thousande, fiue hundreth, and fiftie ane zeires, in presence of the Lordes of Councell, compeired ane maist Reverend Father in GOD, *Iohn*, Arch-bishop of *Saint-Andrewes*, Commendatar of the Abbaie of *Paslay* &c. For him selfe, and the remanent of the Clergie of this realme on that ane part: And the Provest and Baillies of the Burgh of *Edinburgh*, on that vther parte, and gaue in thir artickles vnder-written, subscrived be the hande of Maister *Iohn Lawder*, Arche-Deane of *Teviotdale* Notar publicke, and desired the samin to bee insert in the buikes of Councell, and the saidis Lordes to interpone their authoritie to the samin. The quhilk desire, the saidis Lordes thocht reasonable, and ordained the saidis artickles to be registred in the said buikes of Councell, and to haue the strength of ane act and decreet of the Lords thereof, & hes interponed, and interponis their authoritie to the samin: And decernis an dordainis letters executorialles to be given hereupon, for dew execution of the saidis artickles, and everie poynt thereof, as effeiris. Quhairof the tenour followis.

OF THE ARTICKLES AND foundaments to be aduised vpon, touching the burnt landes and tenementes, within the Burgh of *Edinburgh*, and vthers Burghs and townes within the Realme of Scotland, *burnt be the auld* enemies of *England*.

ITEM, The first artickle, quhair the Chaplaine be the sight of the Maisoun, wricht, and maister of warke, and vthers discreit men sworne thereto, will contribute and pay the part of the expenses, for the rate of their annuell, and maill of the house, as it payis presentlie, that they sall haue their haill annuell, after the biging of the house.

ITEM, The ground annuell appeiris to be payed, quha euer big the grounde, and failzieing thereof, that the annuellar may recognosce the ground.

ITEM, In all vther annuelles, to advise gif the awners lets the ground to be vn-bigged, quhat salbe the Chaplainis part gif he may recognosce the samin or not, or compel the awner to big the samin: And gif he may do neither: gif hee may call for warrandice, after the forme of his foundation.

ITEM

ITEM, Gif ſa-meikle reſtis vn-burnt of the haill tenement, that awe the annuell, as will paye the ſamin, gif the annuell may be craved compleitlie.

ITEM, To adviſe, gif the Chaplaine hes the annuel vnder reverſion, and contributis with the biggar, conforme to the firſt artickle, to conſidder how lang therafter, the annuell ſalbe vnredeemeable, or ſameikle as is contribute, to be eiked in the reverſion.

ITEM, Quhair the Chaplaine was Laird of the tenement, and the ſame haillelie burnt, & the patron required to big the ſame, refuſis & wil not, & maynot, ſik-lik the Chaplane may not, quhidder it ſalbe leaſum to the Chaplaine to ſet the ſame tenement in few, and require the patrone for his conſent, and gif hee refuſis, gif hee may be compelled thereto, or gif the Chaplaine may ſet the ſamin be his adviſe and conſent, or not.

ITEM, Quhair the haill tenement, after it be bigged be ſet in fewe within the availe thereof, for the vp-hald of the ſame, & beis burnt, gif the fewar may be compelled to big the ſamin vpon his awin expenſes or not: And quhat ſalbe the Chaplainis part in that caſe.

ITEM, Gif the conjunct-feare or life-renter of tenementes, quhilks payis annuell to the Kirk, and is burnt, as ſaide is, gif they may be compelled be the Chaplaine, and aires of the ſaid tenement, to concur and big the ſame for their in[illegible]res, & gif they be diſaſſentand thereto, quhat ſalbe leaſum to the aire, and Chaplaine to do in that behalfe.

HERE FOLLOWIS THE PRO-

viſione, ordinance, and concluſion, maid to the artickles abone expremed, and to be in all times cumming obſerved *and keiped, anentis all annuelles of the burnt landes and tenementes, be the auld Enemies of* England, *within the Burgh of* Edinburgh, *and vthers Burghs and townes within the Realme of* Scotland, *awand alſweill to Spirituall men, as Temporall men: Concorded and agreed vpon, betuixt the Lordes of the Artickles of Parliament, and the Proveſt, Baillies and Counſell of the ſaide Burgh of* Edinburgh *for them, and the remanent Burghes and Townes of this Realme, to haue the ſtrength of actes, ſtatutes, and ordinances of Parliament in all time cumming: The quhilk concluſion the Lord Governour, and the three Eſtaites of Parliament, vpon the firſt daye of* Februar, *the zeir of God, ane thouſand, fine hundreth, ſiftie ane zeir, ratified and apprieved.*

ITEM, In the firſt, anent the firſt artickle, given in be the annuellaris of the Burgh of *Edinburgh*, and vthers Burghes within this Realme: It is concorded, ſtatute & ordained, that gif the annuellar be the judgement or ſight of the Maiſon, wricht, and maiſter of warke, craftes-men, in the reparrelling of the tenement, quhilk is aſtricted to the annuell, and vthers diſcreit men ſyorne thereto, will contribute and paye the part of expenſes, according to the rate of the annuells, and the mailes of the houſes, quhilkis it givis now preſentlie, that the ſamin annuellaris quhatſumever they be, Spirituall or Temporall, ſall haue the haill annuell of the nixt terme, immediatlie following the bigging and repairing of the tenement or houſe, and ſalbe free to poynd and diſtreinzie fra that time, alſweil for the by-gane, as to-cum, call & recognoſce therefore according to Iuſtice: Providing alwaies, that gif ony queſtion or pley ſall happen to riſe anent the expenſes of the bigging, betuixt the annuellar and the heretour, the ſamin ſalbe decided and diſcuſſed before the Lordes of our Soveraine Ladies ſeate of juſtice, vpon ane ſimple ſupplication, but outher diet or Table.

ITEM, Anent the ſecond and ſeventh artickles, quhilkis ar co-incident: It is ſtatute and ordained, that quhidder the annuel be redeemeable, or vnredeemeable, the annuellar havand the grounde annuell vpon ony burnte lande, quhilkis, or beis reparrelled bee the awner thereof, that makis na contribution to the bigging of the ſamin, ſall wante the ſexteparte of the annuell, the few annuellaris ſall in likewiſe wante the fifth parte of their annuelles: The toppe annuellares, ſal in likewiſe want the fourth parte of theirs, and the awner of the burnte Land, quha hes bigged and reparrelled the ſamin, ſall not bee halden to paye mair of the ſaidis annuellis, *reſpectiuè*, then cummis to the reſidue thereof, the ſaidis ſext, fifth, and fourth partes, *reſpectiuè*, being defaiſed.

Provi.

Providing alwaies, that it ſal be leaſum to the annuelleres, notwithſtanding the defaiſance maid preſently, gif they pleaſe to bye in againe, and redeeme, fra the ſaid awner of the ſamin land, ſameikle of the ſaide annuell, as they ſall happen to want, bee particular redemption, as the ſaidis annuellers may cum to, and it were never ſo litle, payand proportionallie for ilk marke given downe, to the proportion and rate thereof, the ſumme of ten poundes *Scottis* money, but onie langer proceſſe allanerlie, the awner being required to receiue his money, ſall bee ſufficient warning, and the annuellar to be anſwered fra the nixt terme of ſa-meikle as he payis money for, as hee offers reallie, and with effect, the awner being required, and refuſand; And in that caſe, the money to be deponed in the Proveſt and Baillies handes of the towne, gif they be baith Temporall: Bot gif they be baith Spirituall and Temporall, or baith Spirituall, in the Officialles hands of *Louthiane* being for the time, and there to remaine to his vtilitie and profite, that ſuld haue the ſamin, and defaiſance of payment, in maner foreſaid, to be continuallie fra the bigging of the tenementes, aſtricted to the annuelles.

ITEM, The thrid artickle: It is ordained, that gif the awners of the burnt landes and tenementes, tholis the ſame to lye vnbigged twa zeirs, after the dait of thir preſentis: It ſalbe leaſum to the annuellers to perſew their annuelles *reſpectiuè*, conforme to the nature and rate of everie annuel, as is abone expreemed: or to recognoſce the tenement for none payment of the ſamin, the ſaidis twa zeires being furth-runnin, and to vſe their proceſſe for none-payment thereof, as accordis of the Lawe, and practik of this Realme.

ITEM, Anent the fourth artickle: It is ordained, that quhat kinde of annuell that ever it be, the ſamin lyand vpon the haill tenement, gif ſameikle reſtis vn-burnt of the haill, as will pay the ſamin annuell, the awner havand by the annuell, twiſe als-meikle as the annuell extendis to of zeirlie profite, the haill annuell ſalbe payed: Vtherwiſe it ſall bee proportionable, effeirand to the thrid penny of the zeirly availe of the tenement that ſtandis, and quhair the laif beis bigged, to haue ſik-like interpretation, conforme to thir preſent artickles.

ITEM, Anent the fifth artickle, it is deviſed and concluded, that incaſe the annueller contribute with the awner of the burnt tenement, to the reparation thereof, conforme to the firſt artickle of the ſamin, the annueller ſal haue the reverſion augmented, to the quantitie, extending to the thrid part of the ſumme, vpon the quhilk the annuell is wod-ſet: Swa that quhill the principall ſumme, and halfe ſameikle with it be paied, the annuel to be vnredeemable: That is to ſay, incaſe the annuell lye vpon twa hundreth markes, it is not to be redeemed, quhill three hundreth markes be payed in-caſe foreſaid.

ITEM, Anent the ſext artickle: It is provided and concluded, That gif ony Chaplaine be haill Laird of the burnt tenemente, vnite to his Chaplārie, as patrimonie theirof, & the patrone of the chaplanry being

required to big the ſamin, and nouther will not, or elſe may not, and in likewiſe the Chaplaine is not of puiſſance to do the ſame: It ſalbe leaſum for policie, and eſchewing of deformitie of the towne, to ſet the ſamin in few, to the vtilitie and profite of his Chaplanarie; to ony that will offer maiſt therefore, without the patronis conſent, gif he refuſis to giue his conſent: Providing alwaies, that the Patron be firſt required to take the ſamin in few him ſelfe, and hee to be in that caſe preferred to onie vther, givand als meikle to the Chaplaine therefore, to the evident vtilitie of the Chaplanarie, as ony vther will, without colluſion, and the Patron refuſand, the Chaplane to bee free to doe therewith, as is abone written.

ITEM, As to the ſeventh Artickle, It is anſwered and concluded, as is conteined in the reſponſe and concluſion, maid to the ſecond artickle abone written, becauſe they were co-incident togidder.

ITEM, As to the aucht artickle, It is ſtatute and ordaned, that gif there beis ony conjunct-fear, or life-rentar, of ony burnt landes: Conſideration being tane and had be the Proveſt and Baillies of the Burgh, quhat free maill the ſamin payed before the burning: It ſalbe leaſum to the proprietar of the lande, to big the ſamin, gif he pleaſis, pay and the ſaide conjunct-fear or liferentar, during their life-time, the thrid part of the free male, the quhilk the ſaide land payed before the burning: Bot gif the conjunct-fear, or life-rentar pleaſis to big the ſamin, they to bee preferred to the proprietar, and to bruik the ſamin, during their life: And therefore ſall the proprietar and land baithe be boundin and obliſhed to them for to refound the thrid parte of the money, quhilkis they deburſe, in bigging of the ſaids tennements, in neceſſar and profitable expenſes, to bee foorth cummand, to be given to them the time of their deceaſe, and thereafter to their executoures and aſſignayes, the land being alſweill bigged, as of before and nichtbour like.

FINIS.

THE

THE FIFTH PARLIA

MENT OF MARIE, QVEENE

of Scotland, halden at Edinburgh, the

First daye of *Februar*, the zeire of God, ane thouſand, fiue *hundreth, fiftie ane* zeires.

11 *Anent the prices of Wines: mixtion thereof: Of them quha keipis quiet their Wine.*

THE Quhilk daye, forſameikle as the Lord Governour & three Eſtaites of Parliament, being remembred of the manifalde actes of Parliament: And diverſe vthers actes and ſtatutes, maid in general Councell, and vtherwaies, for ſuppreſſing of dearth in this Realme, of vivers and wines: Like as in the ſaidis Actes and ſtatutes maid thereupon, is at mair length conteined: Notwithſtanding the multiplie of Wines dailie cummand within this Realme, at the Eaſte and Weſt Seas, the prices thereof decayis not, bot the ſaide dearth remainis, and the occaſion thereof is vnderſtand to conſiſt in our Soveraine Ladies Lieges, that foreſtallis and byis the ſamin in privie maner, and howe ſoone the ſamin ar coſt, puttis the ſamin in ſecreit houſes, and not in open taverns, ſelland the ſamin vpon higher prices, nor the commoun Tavernes dois: And beſide the ſamin, ſik wines as ar ſald in commoun Tavernes, ar commounlie bee all Tauerners mixt with aulde corrupte wines, and with water, to the great appeirand danger and ſeickneſſe of the byers, and greate perrell of the ſaules of the ſellers: And for remeid hereof, & to eſchew ſik inconvenientes in time cumming: It is deviſed, ſtatute and ordained be the Lord Governour, and three Eſtaites of Parliament, That nane of our Soveraine Ladies lieges, take vpon hande to bye onie wines that is cummen, or ſall happen to cum at the Eaſte and and North-lande Seas, fra this daye forth, of ony dearer prices nor twentie pounde the tun of *Burdeaux* wine, and the *Rochell* wine for ſexteen pounde the tun, and that nane of them ſell the ſamin of ony dearer price, nor ten pennies the pinte of *Burdeaux* wine, and the *Rochell* wine

for aucht pennies the pynt, within the boundes foreſaidis: And that na wines that is cum in at the Weſt Seas, or is to cum in, be bocht of onie dearer price, nor ſexteene pound the tun of *Burdeaux* wine, and the *Rochell* wine for twelue or threttеen pound the tun, and that nane of them ſell the ſamin of ony dearer price, nor aucht pennies the pynt of *Buraeaux* wine, and ſex pennies the pynt of *Rochell* wine, vnder the paine of eſcheitting of all the ſaidis wines, that they ſall happen to bye, togidder with the reſt of their guds moveable, for their contemption: And that na maner of Taverners take vpon hand to make onie mixtion with ony auld wines and new wines of this zeire, or put ony water in the ſamin, vnder the paine of eſcheitting of the puncheon, that ſik auld wine or water ſalbe put into, togidder with the reſt of all and ſindrie the wines, being the awners of ſik ane taverne, and tinſell of their freedome for ever: And in like maner, that nane of our Soverain Ladies Lieges, byears of ſik wines, and havares of taverns, take vpon hande to huird or hide ony ſik wine coft bee them in their houſes and privie places, bot that they put the ſamin in their commoun Tavernes and Vaultes thereof, to bee ſaulde indifferentlie to our Soveraine Ladies lieges, vpon the prices before expreemed, vnder the paines foreſaidis: Providing alwaies that the Burgh of Saint *Iohnſtoun*, ſall haue licence to ſell the wines coft be them, twa pennies of the quarte dearer, nor vther Burrowes adjacent vnto them.

12 *Of the prices of wild and tame meates.*

ITEM, It is ſtatute and ordained, that the acte and ordinances maid vpon the prices of all wilde-fowles and tame-fowles, be obſerved and keiped, and vpon the byers and ſellers thereof, to be put to execution in all poyntes, after the forme and tenour thereof, and the paines conteined in the ſame to be execute vpon them: Of the quhilk the tenour followis: The quhilk daye; For-ſa-meikle as the Queenis Grace, the Lorde Governour, and Lords of ſecreit Councell, havand reſpect to the great and exorbitant dearth riſen in this Realme, vpon the wilde and tame fowles, for putting of ordour hereto, and remeid hereof: It is deviſed ſtatute and ordained be the Queenis Grace, the Lord Governour, and Lordes of ſecreit Councell: That the wilde-meat, and tame meat vnderwritten, be ſauld in all times cumming of the prices following: That is to ſay, in the firſt the Cran, fiue ſhillings: The Swan, fiue ſhillinges: The wild Guſe of the great bind, twa ſhillinges: The claik, quink & rute, the price of the peece, auchteene pennies. Item, the Plover and ſmall mure fowle, price of the peeee, foure pennies: The black Cock & gray-Hen, price of the peece, ſexp ennies: the douſane of Powtes twelue pennies. Item, the Quhaip, ſex pennies. Item, the Cunning, ij. ſhillings, vnto the feaſt of *Faſternſ-evin*, nixt to cum, & fra thine furth, xij. pennies. Item, the Lapron, twa pennies, Item, the Woodde-Cocke, foure pennies. Item, the douſane of Lavorockes, and vthers ſmall birdes, the price of the douſane

ſane, foure pennies. Item the Snipe and quailzie, price of the peece, twa pennies: Item, the tame-guſe, xvj. pennies. Item, the capone, twelue pennies. Item, the Hen and pultrie, aucht pennies. Item, the chicken, foure pennies. Item, the gryſe, auchteene pennies: And for obſerving and keiping of this act, quhatſumever perſon or perſones, alſweill byar as ſeller, that breakis the ſamin, and dois in the contrair hereof: That all his gudes ſalbe taken and eſcheitted to our Soveraine Ladies vſe, and their perſones puniſhed at the Lord Governours will and pleaſure.

13 Scottiſ-men *being charged to leaue aſſurance with* Engliſh men, *and diſobeyand, ſall haue na action againſt trew* Scottiſ-men, *for ony wrang done to them.*

ITEM, It is deſired to bee concluded in this preſent Parliamente, quhair *Scottiſ-men* vn-aſſured with *England*, raid vpon *Scottiſ-men* aſſured with *England*, the time they were aſſured, and tooke their gudes and geare, quhidder gif thay aſſured perſones ſpuilzied, haue iuſt action and place to aske reſtitution of their gudes, and amendis for the damnages done to them or not: It is concluded, decerned and declared be the Queenis Grace, the Lord Governour, with adviſe of the three Eſtaites of Parliament, that quhair our Soveraine Ladies charges and proclamationes, or the Lord Governoures private letters, or command was direct, chargeing all and ſindrie aſſured perſones of this Realme with *England*, and that ſat vnder their aſſurance, to diſcharge them of the ſaide aſſurance, and leaue the opinion of *England*, and to cum to the obedience of our Soveraine Ladie, the Lord Governour, and the authoritie, within ane certaine terme prefixed thereto conteined in the ſaid letters, and wald not leaue the opinion foreſaid, bot aſſiſted to *England*, *Engliſhmen*, & their companie: That thay *Scottiſ-men*, aſſured in maner foreſaid, ſall haue na place nor actione to perſew the perſons *Scottiſ-men*, vn-aſſured, for the ſpoliation of their gudes, or ſatiſfaction of ony vther damnages done to them thereafter. And quhair na letters, charges, Proclamationes, nor vthers private writinges, nor commande of the Lorde Governours Grace were direct, chargeing ſik aſſured perſones to leaue the opinion of *England*, and to cum to the obeyſance of our Soveraine Ladie, the Lorde Governoure, and the authoritie, nor na ſik charges come to their eares, that they *Scottiſ-men* aſſured, as ſaid is, ſall haue place and action to perſew the perſones vn-aſſured, that ſpuilzied for reſtitution of their gudes, and amendis for the damnage and skaith ſuſteined bee them, gif the ſpuilziers had na ſpeciall commande, nouther in writ nor worde of the Lorde Governoure, to ride vpon ſik aſſured perſones.

14 *Ane* Scottiſ-man, *being ſpuilzied be* Scottiſ-men, *and* Engliſh-men, *hes gud action againſt the* Scottiſ-man, *albeit the* Engliſh-men *were fewar in number.*

ITEM, To the reſolution maid vpon the ſecond artickle, makand mention, quhair men aſſured or vn-aſſured, raid in particular pinzieones, and ſmall companies of *Engliſh men*, the *Scottiſ-men*, being the greateſt number, and in-vaded the *Scottiſ-men*, vn-aſſured, burnt their houſes, ſpuilzied their gudes, and herried them there-throw, quhidder gif the perſon ſpuilzied and herried, hes iuſt action to perſew ſik *Scottiſ men*, ſpuilziers, for reſtorance of their gudes againe, and ſatisfaction for the damnages done to them, or not: It is decerned and declared bee the Queenis Grace, the Lord Governour, with adviſe of the three Eſtaites of Parliament foreſaide, that all ſik perſones ſpuilzied, hurte, or damnaged, in maner foreſaid, hes juſt action and place to perſew the ſpuilziers and to deſire reſtorance of their gudes, and ſatisfaction of their damnages, as accordis of the Law.

15 *Ane aſſured* Scottiſ-man, *aſſiſtand the* Engliſh *armie may be perſewed for all the skaith done to* Scottiſ-men, *vn-aſſured.*

ITEM, As to the reſolution to be tane vpon the thrid artickle, beirand in effect, quhair ony *Scottis-men*, aſſured be *England*, and raid with the armie thereof, vpon ony *Scottis-men*, vn-aſſured, for burning of their places, ſlauchter of themſelues, their wiues and bairnes, and ſpuilzied them of their gudes, or burning of their cornes, downe-caſting of their houſes, and vthers deſtructiones, quhidder gif it bee lauchfull to onie *Scotis-man* ſpuilzied in that ſorte with the armie of *England*, to perſew ony *Scottiſ-man*, being in companie with the armie of *England*, the time of the ſpoliation and deſtruction foreſaid, for ſpoliation of their gudes, and ſatisfaction for the damnages ſuſteined be them, or hes iuſt cauſe & action to ſute therefore: It is concluded and declared be the Queenis Grace, the Lord Governour, and three Eſtaites foreſaidis: That ſik perſones vn-aſſured, burnt, herried, and deſtroyed be *Scottis-men* aſſured, & being in companie with the armie of *England*, and come with them, and were with them the time of the ſpoliation, burning and deſtruction foreſaid, hes iuſt action and cauſe to perſew all aſſured perſones *Scottiſ-men*, that raid in maner foreſaid, for reſtitution and deliverance of their gudes ſpuilzied fra them, and ſatisfaction and amendis for the damnages and hurtes, as accordis.

16 *Anent them that ſwearis abhominable aithes.*

ITEM, Becauſe notwithſtanding the oft and frequent Preachinges, in deteſtation of the grievous and abhominable aithes ſwearing, execrationes, and blaſphematioun of the name of God, ſwearand in vaine be his precious blud, bodie, paſſion and wounds, Devil ſtick, cummer,

gore

gore, roiſt or riefe them, and ſik vther oug-ſum aithes and execrationes againſt the command of God, zit the ſamin is cum in ſik ane vn-godlie vſe amangſt the people of this Realme, baith of great and ſmall Eſtaites, that dailie and hourelie may be heard amangſt them open blaſphemation of Gods name, and Majeſtie, to the greate contemption thereof, and bringing of the ire and wrath of God vpon the people: Herefore, and for eſchewing of ſik inconvenientes in times cumming: It is ſtatute and ordained, that quhatſumever perſon or perſones, ſwearis ſik abhominable aithes, and deteſtable execrationes, as is afore rehearſed, ſal incur the paines after following, als oft as they failzie, *reſpectiuè*: That is to ſay, ane Prelate of Kirk, Earle or Lorde, for everie fault to be committed for the ſpace of three Monethes nixt-to-cum: That is to ſay, vnto the firſt day of *Maij*, *excluſiuè*, twelue pennies: Ane Barronne or beneficed man, conſtitute in dignitie Eccleſiaſtical, foure pennies: Ane Landed man, Free-halder, vaſſall, fewar, Burges, and ſmall beneficed men, twa pennies: Ane craftſ-man, zeaman, ane ſervand man, and all vthers ane pennie. Item, the puir folkes that hes na geare, to pay the paine foreſaide, to be put in the ſtockes or priſoned, for the ſpace of foure houres, and wemen to be weyed and conſiddered, conforme to their bloude or eſtaite of their parties, that they ar coupled with: And this paine to be dowbled vpon everie committar, after the out-running of the ſaidis three monethes, for the ſpace of vther three monethes thereafter: That is to ſay, fra the firſt day of *Maij*, vnto the firſt daye of *Auguſt*, *excluſiuè*, and from the firſt day of *Auguſt*, vnto the firſt day of *November*, *excluſiuè*, the paine to bee tripled, that is to ſay, for everie pennie, three pennies: And fra the ſaide firſt day of *November*, to the firſt day of *Februar* thereafter, quhilk makis the zeir compleit, the paine to be quadruple, that is to ſaye, for everie pennie, foure pennies, effeirand to their eſtaite. And fra the compleeting of the ſaid zeir, the firſt fault of ane Prelate, Earle or Lorde, to be foure ſhillinges, the ſecond fault, aucht ſhillinges, and the thrid fault, ſexteene ſhillinges, and for the fourth fault, to be baniſhed, or put in warde, for the ſpace of zeir and daye, at the will of the Prince, and ſik like of all vther Eſtaites, after their qualitie foreſaide, to be puniſhed effeirandlie. And this foreſaide paine to bee applyed to the puir folkes, be them that ſalbe depute collectoures thereof.

17 *Anent them that perturbis the Kirk, the time of divine ſervice.*

ITEM, It is ſtatute and ordained, againſt all perſones quhilkis contemnandlie makis perturbation in the Kirk, the time of divine ſervice, and Preaching of the worde of GOD, ſtoppand the ſamin to bee heard and ſeene be the devoute people, and will not deſiſt and ceaſe therefra for na Spirituall monition, that the Kirk-men may vſe vpon them: Therefore quhatſumeuer perſon makis perturbation or impediment in the Kirk, in maner foreſaide, ſall incurre the paines, as after followis: That is to ſay, for the firſt fault, ane Prelate, Earle or Lorde, Ten pounde: ane Barronne or perſon, conſtitute in dignitie Eccleſiaſticall,

fiue

fiue pound, ane vaſſall, Free-halder, Burghes, or ſmall beneficed man, fourtie ſhillinges, and vthers twentie ſhillinges, and puir folkes that hes na gudes, to be put in priſon for fifteene daies, to faſt on bread & water, and for the ſecond faulte, the doubling thereof, and for the thrid fault, warding of their perſones, or baniſhing for zeir and day, and ordainis the Deane of *Gild*, Kirk-maiſters, & rewlers, to gar leiſche bairnes, that perturbis the Kirk, in maner foreſaid.

18 Anent them that knawis themſelues vnder proces of curſing.

ITEM, That becauſe mony perſones wittandlie knawand themſelues vnder the proceſſe of curſing, and beand charged to remoue fra divine ſervice, wilfullie enteris them ſelues thereto, and will not remoue, quhair-throw they ſtop the remanent Chriſtian people fra divine ſervice, and incurris the great curſing of the Law.

Therefore it is ſtatute and ordained, that quha ſa ever beis noted and convicted to haue remained in the Kirk, the time of divine ſervice, after that he haue bene warned and charged to remoue, beand vnder proces of curſing, denunced vpon him dewlie, outher openlie in his Paroche Kirk, or perſonally, to be puniſhed as perturbers of the Kirk of God, and to incur the paines of the foreſaid laſt acte.

19 Anent them that maries twa wiues or husbandes.

ITEM, It is ſtatute and ordained, that quhat-ſum-euer perſon maries twa ſindrie wiues, or women maries twa ſindrie husbandes, livand togidder vn-divorced lauchfullie, contrair the aith and promiſe maid at the ſolemnization and contracting of the matrimonie, and ſwa ar of the Law perjure & infamous: Therefore, that the paines of perjuring be execute vpon them with all rigour: That is to ſay, confiſcation of all their gudes moveable, warding of their perſones for zeir and day, and langer in-during the Queenis wil, and as infamous perſons, never able to bruik office, honour, dignitie, nor benefice in time to-cum.

20 Anent Adulterers.

ITEM, Anent perſones that ar maried, & ar open, manifeſt, commoun and incorrigible adulterers, and will not deſiſt and ceaſe therefra, for feare of ony Spirituall juriſdiction, or Cenſures of halie Kirk, to the greate perrell of their awin ſaules: Therefore it is ſtatute and ordained, in this preſent Parliamente, that all ſik incorrigibill adulterers, after that the proceſſe of halie Kirk, ſa far as the ſamin may extend to, be vſed vpon them for their inobedience and contemption, be denunced our Soveraine Ladies rebelles, and put to the horne, and all their moveable &c. And ſwa na appellation interponed fra the ſaid Cenſures of halie Kirk, to ſuſpend the horning.

21 How meick'e fraucht ſalbe given to Ferriers.

ITEM, Forſameikle as the Queenis Grace, the Lord Governour, and three Eſtaites of Parliamente, havand reſpect to the great and heauie oppreſſion done to the Lieges of this Realme, and ſpeciallie be Ferriers of *King-horne*, *Queenis-Ferrie*, and *Dundie*, in taking of their fraucht fra them, and that the Queenis Lieges, notwithſtanding the weichtie charges and expenſes deburſed to ſik Ferriers, ar not ſerved, as apperteinis to be done: And for remeid hereof, in reſpect of the dearth of vivers, diſpenſis with the acte maid hereupon of before for ane zeir: It is ſtatute and ordained, that na maner of perſon, awner of anie Boates, at the ferries foreſaid, tak vpon hand to tak ony fraucht fra ony of our Soverane Ladies Lieges for their portage, bot as after followis: That is to ſay, gif ony perſon wauld haue ane boate be himſelfe, at the Ferrie of *King-horne*, that he take for his fraucht and portage, ten ſhillinges: And quhair companie conveenis at the ſaid Ferrie, the horſe and man to pay for their portage, twelue pennies. And the man or woman be himſelfe, but horſe, to pay for their portage, ſex pennies. And that the ferriers of the *Queenis-Eerrie*, and *Dundie*, gif ane man deſiris ane boate bee himſelfe, to paye for his portage, foure ſhillinges. And everie ilk man and horſe, aucht pennies. And ilk man or woman be them ſelfe, foure pennies, vnder the paine of death, and confiſcation of all their gudes, with certification to them, and they do the contrair, that they ſalbe called to particular diettes and juſtice courtes, and ſall be puniſhed therefore with all rigour, as breakers of the actes of Parliament.

22 The paine of falſe Notars, vſers of falſed.

ITEM, It is ſtatute and ordained be the Lord Governour, with adviſe of the three Eſtaites of Parliament, that the actes and ſtatutes maid of before, againſt falſe Notars and witneſſe, corrupters and ſeduceres of them in writ, Temporall or Spirituall courtes, to bee obſerved and keiped in all poyntes, and ratifies and apprievis the ſamin of new, with this addition: That all ſik perſones ſalbe puniſhed in their perſones and gudes with all rigour: *Videlicet*, preſcription, baniſhing and diſmembring of hande or toung, and vthers paines, provided be the diſpoſition of the commoun Law, baith Cannon, Civil, and ſtatutes of the realme. And this act to be extended to all maner of evidentes, actes, obligations, acquittances, or vthers writings quhatſumeuer, and the makers, feinziears, vſers, ſeducers, corrupters, and falſars thereof, alſweill as to falſe inſtrumentes.

23 The price of craftef-mennis wark. Of meate and drinke in tavernes

ITEM, For ſa-meikle as the Lorde Governour, and three Eſtaites of Parliamente, regairdand the exorbitant prices that everie Craftesman within Burgh, raiſis vpon our Soveraine Ladies Lieges, in all ſik thinges as perteinis to their craft, ſwa that the prices ar doubled and

tripled be mony of them, to the greate hurt of the ſaidis Lieges, quhilk is conſiddered to be of practicque be the Deakones of everie craft, and the fault thereof is alway in the Proveſt and Baillies of everie Burgh, that over-ſeis the ſaidis Deakones, craftef-men, and correctis them not, conforme to the act of Parliament: Therefore it is ſtatute and ordained, that all Proveſtes and Baillies of free Burrowes with all diligence, conveene the ſaidis Deakones and craftef-men afore them, and there on everie thing perteining to craftef-men, to ſtatute and ordaine reaſonable prices, effeirand to their craft, and that the ſamin be put in writ, and produced afore the Lordes of the artickles in the nixt Parliament, to be halden the thrid day of *Aprill* nixt to-cum, to be conſidered be them, gif they be reaſonable, and gif ſwa be, to be authorized, and gif they be vn-reaſonable, to be reformed: And ſik-like, that effeirand to the prices of victualles, that the ſaidis Proveſt and Baillies cauſe the Hoſtellares to take ane reaſonable price for ane mannis dinner and ſupper, that they may hald their awin, and the Queenis lieges be not ſa grieved and hurt throw the great prices, taken far abone all cuſtome and vſe, as hes bene in this Realme afore thir dayes, and as beis ſtatute hereupon in Burgh, that the ſamin be delivered to the Schireffe of the Schire, to garre the ſaidis prices be keiped to Landwart. And gif ony of the ſaidis Deakones or hoſtellares obeyis not the ordinance of the ſaidis Proveſt and Baillies, that they depriue them of their Offices and priviledge, and after they be deprived, gif they meddle farther there-with, to be called to vnderly the Law to particular diettes, afore the great juſtice, as for contemning and breaking of the actes of Parliament, and to be puniſhed in their perſones and gudes with all rigour.

24 *Anent the examination of Notars, be the Lordes Seſſion.*

ITEM, Becauſe the act concerning Notars, maid be the Kingis Grace, King IAMES the Fifth, quhom GOD aſſoilzie, hes not hidder-tills bene put to dew execution: Therefore it is thocht expedient be the Lord Governour, and three Eſtaites of Parliament, that the ſaid act be put to execution in all poyntes, after the forme and tenour of the ſame, betuixt this and the laſt daye of *March*, nixt to cum, with this addition following: That is to ſay, that everie Schireffe within the boundes of his office, betuixt this and the ſaid daye, bring, or ſend all Notars, Temporall men, and the Ordinares, to bring or ſend all Spirituall Notars to the Burgh of *Edinbugh*, and there preſent them to the Lordes of Councell, to be examined be them, gif they be able, worthie, and qualified for the ſaid office of Notarie, and there to be admitted be them thereto, ſuſpendand fra the ſaide laſt day of *March* furth, of all Notars, vnto the time of their admiſſion foreſaid: With certification to them, that vſis the Office of Notarie, fra the ſaid day furth, before they be admitted in maner foreſaide: That their inſtrumentes ſall haue na faith, and themſelves ſalbe puniſhed as falſars of the Law.

25 *Anent*

26 *Anent the ordouring of everie mannis houſe.*

ITEM, It is ſtatute and ordained, that the act and ordinance maid before in Councell, anentis the eſchewing of dearth, and the ordouring of everie mannis houſe in his courſes and diſhes of meate, be obſerved and keiped in all poyntes, after the forme and tenour thereof, and vnder the paines conteined in the ſamin: Of the quhilk the tenour followis: The quhilk daye, for-ſa-meike as the Queenis Grace, the Lorde Governour, and Lordes of ſecreit Councell, havand reſpect to the great and exorbitant dearth, riſen in this Realme of victualles, and vther ſtuffe, for the ſuſtentation of mankinde, & dailie increaſſand. And vnderſtandand, that the occaſion thereof is the cauſe of the ſuperfluous cheere, vſed commounlie in this Realme, alſweill amangſt ſmall, as Great-men, to the great hurte of the commoun weill of the ſamin, and damnage to the bodie, quhilkis makis ane man vn-able to exerce all leiffull and gud warkes neceſſar. And for remeid hereof, and ſtanching of ſik dearth and exorbitant prices foreſaidis. It is deviſed and ordained, that na Archbiſhops, Biſhops, nor Earles, haue at his meat bot aucht diſhes of meate: Nor na Abbot, Lorde, Priour, nor Deane, haue at his meate bot ſex diſhes of meate: Nor na Barronne nor Free-halder, haue bot foure diſhes of meate at his meſſe: Nor na Burges nor vther ſubſtantious man, Spirituall nor Temporall, ſall haue at his meate, bot three diſhes, and bot anekinde of meate in everie diſhe. And for obſerving and keiping of this acte and ordinance foreſaid: It is deviſed and ordained, that quhatſumeuer Arch-biſhop, Biſhop, or Earle, beis foundin breakand the ſamin, that he ſal content and pay to the Lord Governour, and the authoritie, at everie time hee failzies, ane hundreth pound for everie failzie. And gif ony Lord, Abbot, Priour or Deane, failzies and breakis the ſaid acte, he ſall content and pay for everie failzie, ane hundreth markes, and gif onie Barronne or Free-halder failzies, he ſall pay at everie time and failzie, fourtie pound: And gif ony Burges or vther ſubſtantious man, Spirituall or Temporall failzies, hee ſall paye at everie time and failzie, twentie markes in maner foreſaide: And gif ony vther ſmall perſon or perſones, wauld preſume to breake this preſent acte and ordinance, or do in the contrair, he ſalbe taken and puniſhed in his perſon and gudes, at the Lorde Governours will, for their contemption. And quhatſumever vther perſon or perſones, of quhatſumeuer eſtaite, degree, or condition that ever they bee of, that failzies and breakis this ordinance, that he ſalbe repute and halden, as ane man given to his voluptuoſnes, and contemnar of the authoritie, and not to the commoun weill: And howbeit, that ony man of greater eſtaite, nor ane Burges cum in Burgh to anie Burges ludgeing, It ſall not bee leaſum to the ſaid Burges to make onie maa diſhes bot effeirand to the Eſtaite of the Maiſter awner of the ſaide ludgeing, without that the Lorde, Barronne or ſtranger make his awin proviſion and table, alwaies within the ordinance foreſaid: Providing alwaies, that this preſent act and ordinance ſtricke not vpon maria-

ges nor banquettes to bee maid to ſtrangers of vther Realmes, and the ſaid banquettes to be maid allanerlie be Arch-biſhops, Biſhops, Earles, Lordes, Abbottes, Priores, Deanes, Barronnes, Proveſtes and Baillies of Burrowes. And in likwiſe providing that na *Scottiſ-man* make banquet to ony vther *Scottiſ-man*, bot in maner fore-ſaid: And for the mair ſure keiping of the ſaide act and ordinance, ordainis that the Schireffe of the Schire and their deputes, Proveſtes, Aldermen and Baillies of Burrowes, ilk ane within his awin boundes and jûriſdiction, to take inquiſition of the breakers of the ſamin, and roll their names, and deliver the ſamin to the Lord Theſaurar, to the effect that the perſones breakers and contemnars of the ſaid act, may be called to juſtice aires or particular diettes, as the Lord Governour and Councell ſall thinke maiſt expedient, and puniſhed in maner foreſaid.

27 *Prenters ſuld prent na thing without licence.*

ITEM, For-ſa meikle as there is diverſe Prenters in this Realme, that dailie and continually prentis buikes concerning the Faith, ballattes, ſanges, blaſphemationes, rimes, alſweill of Kirk-men, as Temporall, and vthers Tragedies, alſweill in *Latine*, as in *Engliſh* toung, not ſeene viewed and conſiddered be the Superioures, as apperteinis to the defamation and ſclander of the Lieges of this Realme, and to put ordour to ſik inconuenientes: It is deviſed, ſtatute and ordained be the Lord Governour, with adviſe of the three Eſtaites of Parliament: That na Prenter preſume, attempt, or take vpon hande to prent ony buikes, ballattes, ſanges, blaſphemationes, rimes or Tragedies, outher in *Latine* or *Engliſh* toung in ony times to cum, vnto the time the ſamin be ſeene, viewed, and examined be ſome wiſe and diſcreit perſons, depute thereto be the Ordinares quhat-ſum-euer. And thereafter ane licence had and obteined fra our Soveraine Ladie, and the Lord Governour, for imprenting of ſik buikes, vnder the paine of confiſcation of all the Prenters gudes, and baniſhing him of the Realme for ever.

FINIS.

THE

THE SEXT PARLIAMENT OF MARIE, QVEENE of Scotland, halden at Edinburgh, the twentie day of *Iunij*, the zeire of God, ane thousand, fiue hundreth, fiftie fiue zeires: Be MARIE, *Queene* Dowrier, *and* Regent.

28 The Revocation maid be our Soveraine Ladie.

THE Quhilk day, in preſence of the Queenis Grace, *Marie* Queene Dowrier, and Regent of *Scotland*, and three Eſtaites in this preſent Parliament, compeired Maiſter *Henry Lawder*, Advocate to our Soveraine Ladie, and preſented vnto her Grace, and three Eſtaites foreſaidis, our Soveraine Ladies Revocation, ſubſcrived with her Hieneſſe, hand at *Fontaine-Bleau*, of the dait, the twentie fifth day of *Aprill*, the zeir of GOD, ane thouſand, fiue hundreth, fiftie fiue zeires, and of her raigne the xiij. zeir, the privie Seale hunging thereat intimate, inſinuat & declared the ſame, deſirand the Queenis Grace, & three Eſtaites abone mentioned, to cauſe the ſaid Revocation to be inſert and regiſtred in the buikes of Parliamente, and the ſamin to haue the ſtrength and effect of act of Parliament, in all times to cum, and they to interpone their authoritie in and to the ſamin: The quhilk deſire, the Queeenis Grace, Dowrier, and Regent foreſaide, and three Eſtaites of Parliamente thoucht reaſonable, and hes ordained, and ordainis the ſaide Revocation to be inſert and Regiſtred in the ſaidis buikes of Parliament, and the ſamin to be of als great ſtrength, valour, force and effect in all times to-cum, as ony Revocation maid be ony our Soveraine Ladies Predeceſſoures, Kings or Queenes of this Realme, in ony times by-gane, in their leſſe age, before their compleit perfite age: And thereupon hes interponed, and interponis their authoritie to the ſamin, conforme to the ſaid Revocation. Of the quhilk the tenour followis.

Wee MARIE, Be the Grace of GOD, Queene of *Scotland*, having now be the three Eſtaites of our Realme, declared the full adminiſtra-

tion and ruling thereof, to be in our awin hands, after the dimission maid be our richt traistie cousing IAMES, Duke of *Chastel-heraud*, Earle of *Arran*, Lord *Hammiltoun &c.* Then in our lesse age Tutour and Governour of our Realme foresaide, of his Office of Tutorie and Governement, consideranda that be the priviledge of the commoun Lawe, and als that our maist Noble Progenitores, Kingis of *Scotland*, of gude minde be their actes and statutes maid in their Parliamentes, hes revoked, cassed, and annulled, all thinges done be them in their minorities and les ages, in hurte and detriment of their conscience, or Crowne, landes, rentes, possessiones, and vthers thinges quhatsumeuer pertening to the samin, quhair-intill they were damnaged, and skaithed be alienationes, donationes, presentationes, venditiones, or bee ony vthers quhatsumeuer: THEREFORE We now being furth of our said Realme, having compleit the twelfth zeir of our age, revokis all maner of infeftmentes and dispositiones quhatsumever, we, or our said Cousen, as our Tutour and Governour haue maid, during the time that hee had the Governement of our said Realme, in our lesse age, and all vther thinges, that hes bene done in hurte and detriment of our said Crowne, landes, rentes, possessiones, patronages of benefices, and offices perteining to the samin: And in speciall, we revoke, cassis, and annullis al infeftments, donationes, alienationes, and dispositiones maid bee vs, with advise of our said Tutor and Governour, or be him in our name, in our lesse age ony maner of way in fee, few-ferme, franck-tenement, or lang tackes of ony landes, Lordships, customes, annuelles, fishinges, Burrow-mailles, Castell-wardes, or vther thinges quhatsumeuer, annexed to our crowne or ony part thereof, allsweill given be our said vmquhile father, quhom God assoilzie, as be vs to ony person, or persons, contrair the acts maid thereupon of before, to be reduced to vs againe, and our Crowne, be vertew of the actes and statutes, maid vpon annexationes, and after the forme of the samin.

Annexed propertie.

ITEM, Wee revoke all alienationes of ony rentes, landes and heritages annexed to principalitie, and to the Prince, Second person of the Realme, maid be vs, in maner foresaid.

Principalitie.

ITEM, In likewise wee revoke, cassis, and annullis, all donationes, alienationes, few-ferme, and giftes quhatsumeuer in life-rent, or vtherwaies in our none-age, of the landes, rentes, annuelles, or vther revenues, that our said vmquhile Father had in his possession, the time of his decease, be gift, or vtherwaies: And of al offices, like as Chalmerlanries, Baillieries, and Customaries, maid for maa zeires, bot fra ane Checker, quhill the compt bee maid in the nixt Checker after following, and of tackes and assedationes maid for langer termes, nor fiue zeires.

Offices & assedations of the propertie.

ITEM, In likewise wee revoke, cassis and annullis, all tailzies maid fra the aires in Generall, to the aires maill, or ony landes within our Realme, against the Law and gude conscience.

Tailzies.

ITEM, Wee revoke all new infeftmentes of landes, given in blanch-

ferme,

ferme, that were halden of vs of before, be ſervice of waird and reliefe. *Blench-ferme.*

ITEM, Wee revoke all regalities, confirmationes of Regalities, and of all offices given be vs in heritage, or be our Father, againſt the acts and ſtatutes, that na Regalities ſuld be given in heritage without adviſe and deliberation of the haill Parliament. *Regalities.*

ITEM, Wee revoke all maner of alienationes be infeftmentes, or ony vtherwaies maid or granted of ony heretages in our none-age, that become lauchfullie in our handes, be reaſon of fore-faltour, baſtardrie, or vtherricht, and life-rents given thereof, in our minoritie. *Barſtardry Forfaltour*

ITEM, Wee revoke all new creationes of lands in Barronnies, annexationes, and vniones of diverſe lands in fee, in prejudice of our dew ſervice aucht to vs, and our maiſt Noble Progenitoures of before. *Vnions of Barronnies*

AND Sick-lik, wee revoke all diſcharges of ſervice of ſuites of Courtes, aucht of auld to our Progenitoures foreſaid. *Suites of Courtes.*

ITEM, Wee revoke all new infeftmentes given of creation of Barronnies in landes and Lordſhippes annexed to our Crowne. *Vnion of the annexed property*

ITEM, Wee revoke all gifres and confirmationes, given be vs, of quhatſumever lands and heritages, be falſe ſuggeſtion, be expreeming of falſe cauſes, quhair gif they had bene expreemed ane trew cauſe, and the veritie, we had not given the ſame, and therethrow we ar greatumly and enormelie hurte. *Alienations given ſuppreſſa cauſæ veritate.*

AND Generallie, we revoke, caſſis, and annullis all and quhatſumever thinges done be vs in our leſſe age foreſaid, in detriment & harme of our ſaule and conſcience, hurting of the priviledge of our Crowne, prejudicial to the ſame, & to vs in our patrimonie thereof, & al & ſindry things, that the Law and conſuetude of our realme leauis vs to revoke. And als will and declaris, that this our Revocation extend to all thinges alſweill not ſpecified, as ſpecified therein, quhilkis perteined to vs and our ſaid Crowne, be deceaſe of our ſaid deareſt Father, and to be extended fra his deceaſe, in all thinges foreſaidis, to vs and our behooſe, als largelie, as the Revocation maid be our ſaid maiſt Noble Father, micht be extended to, fra the deceaſe of our maiſt noble Gud-ſchir King *Iames* the Fourth, to the time, daie, and dait of his ſaid revocation: And as the revocation maid in King *Iames* the Seconds time, micht haue bene extended to, fra the deceaſe of our maiſt Noble Progenitour, King *Iames* the Firſt, to the making thereof: Declarand that albeit, we of our favour & benevolence, ſuffer ony perſon or perſones to vſe, poſſeid, or bruik ony priviledges, poſſeſſiones of landes, rentes and offices, or of ony thing quhatſumeuer falland vnder this our revocation: It ſall make na richt to the vſers, halders, or poſſeidars thereof, bot it ſalbe leifful to vs to put our handes thereto, quhen we pleaſe, bot ony contradiction, and that bee vertew of this our Revocation, Actes, and conſtitutiones of our Realme. Proteſtand ſolemnedlie, that our abſence foorth of our ſaide Realme at this time, and the ſolemnities required in that be-halfe (gif onie bee) not being done, bee na prejudice to vs, anent our fore-ſaide *General revocation* *The Kings lang patience, preiudges not his revocation.*

tion and ruling thereof, to be in our awin hands, after the dimiſſion maid be our richt traiſtie couſing IAMES, Duke of *Chaſtel-heraud*, Earle of *Arran*, Lord *Hammiltoun &c.* Then in our leſſe age Tutour and Governour of our Realme foreſaide, of his Office of Tutorie and Governement, conſidderand that be the priviledge of the commoun Lawe, and als that our maiſt Noble Progenitores, Kingis of *Scotland*, of gude minde be their actes and ſtatutes maid in their Parliamentes, hes revoked, caſſed, and annulled, all thinges done be them in their minorities and les ages, in hurte and detriment of their conſcience, or Crowne, landes, rentes, poſſeſſiones, and vthers thinges quhatſumeuer pertening to the ſamin, quhair-intill they were damnaged, and skaithed be alienationes, donationes, preſentationes, venditiones, or bee ony vthers quhatſumeuer: THEREFORE We now being furth of our ſaid Realme, having compleit the twelfth zeir of our age, revokis all maner of infeftmentes and diſpoſitiones quhatſumever, we, or our ſaid Couſen, as our Tutour and Governour haue maid, during the time that hee had the Governement of our ſaid Realme, in our leſſe age, and all vther thinges, that hes bene done in hurte and detriment of our ſaid Crowne, landes, rentes, poſſeſſiones, patronages of benefices, and offices perteining to the ſamin: And in ſpeciall, we revoke, caſſis, and annullis al infeftments, donationes, alienationes, and diſpoſitiones maid bee vs, with adviſe of our ſaid Tutor and Governour, or be him in our name, in our leſſe age ony maner of way in fee, few-ferme, franck-tenement, or lang tackes of ony landes, Lordſhips, cuſtomes, annuelles, fiſhinges, Burrow-mailles, Caſtell-wardes, or vther thinges quhatſumeuer, annexed to our crowne or ony part thereof, alſweill given be our ſaid vmquhile father, quhom God aſſoilzie, as be vs to ony perſon, or perſons, contrair the acts maid thereupon of before, to be reduced to vs againe, and our Crowne, be vertew of the actes and ſtatutes, maid vpon annexationes, and after the forme of the ſamin.

Annexed propertie.

ITEM, Wee revoke all alienationes of ony rentes, landes and heritages annexed to principalitie, and to the Prince, Second perſon of the Realme, maid be vs, in maner foreſaid.

Principalitie.

ITEM, In likewiſe wee revoke, caſſis, and annullis, all donationes, alienationes, few-ferme, and giftes quhatſumeuer in life-rent, or vtherwaies in our none-age, of the landes, rentes, annuelles, or vther revenues, that our ſaid vmquhile Father had in his poſſeſſion, the time of his deceaſe, be gift, or vtherwaies: And of al offices, like as Chalmerlanries, Baillieries, and Cuſtomaries, maid for maa zeires, bot fra ane Checker, quhill the compt bee maid in the nixt Checker after following, and of tackes and aſſedationes maid for langer termes, nor fiue zeires.

Offices & aſſedations of the propertie.

ITEM, In likewiſe wee revoke, caſſis and annullis, all tailzies maid fra the aires in Generall, to the aires maill, or ony landes within our Realme, againſt the Law and gude conſcience.

Tailzies.

ITEM, Wee revoke all new infeftmentes of landes, given in blanch-

ferme,

ferme, that were halden of vs of before, be ſervice of waird and reliefe. *Blench-ferme.*

ITEM, Wee revoke all regalities, confirmationes of Regalities, and of all offices given be vs in heritage, or be our Father, againſt the acts and ſtatutes, that na Regalities ſuld be given in heritage without adviſe and deliberation of the haill Parliament. *Regalities.*

ITEM, Wee revoke all maner of alienationes be infeftmentes, or ony vtherwaies maid or granted of ony heretages in our none-age, that become lauchfullie in our handes, be reaſon of fore-faltour, baſtardrie, or vtherricht, and life-rents given thereof, in our minoritie. *Barſtardry Forfaltour*

ITEM, Wee revoke all new creationes of lands in Barronnies, annexationes, and vniones of diverſe lands in fee, in prejudice of our dew ſervice aucht to vs, and our maiſt Noble Progenitoures of before. *Vnions of Barronnies*

AND Sick-lik, wee revoke all diſcharges of ſervice of ſuites of Courtes, aucht of auld to our Progenitoures foreſaid. *Suites of Courtes.*

ITEM, Wee revoke all new infeftmentes given of creation of Barronnies in landes and Lordſhippes annexed to our Crowne. *Vnion of the annexed property*

ITEM, Wee revoke all gittes and confirmationes, given be vs, of quhatſumever lands and heritages, be falſe ſuggeſtion, be expreeming of falſe cauſes, quhair gif they had bene expreemed ane trew cauſe, and the veritie, we had not given the ſame, and therethrow we ar greatumly and enormelie hurte. *Alienations given ſuppreſſa cauſæ veritate.*

AND Generallie, we revoke, caſſis, and annullis all and quhatſumever thinges done be vs in our leſſe age foreſaid, in detriment & harme of our ſaule and conſcience, hurting of the priviledge of our Crowne, prejudicial to the ſame, & to vs in our patrimonie thereof, & al & ſindry things, that the Law and conſuetude of our realme leauis vs to revoke. And als will and declaris, that this our Revocation extend to all thinges alſweill not ſpecified, as ſpecified therein, quhilkis perteined to vs and our ſaid Crowne, be deceaſe of our ſaid deareſt Father, and to be extended fra his deceaſe, in all thinges foreſaidis, to vs and our behooſe, als largelie, as the Revocation maid be our ſaid maiſt Noble Father, micht be extended to, fra the deceaſe of our maiſt noble Gud-ſchir King *Iames* the Fourth, to the time, daie, and dait of his ſaid revocation: And as the revocation maid in King *Iames* the Seconds time, micht haue bene extended to, fra the deceaſe of our maiſt Noble Progenitour, King *Iames* the Firſt, to the making thereof: Declarand that albeit, we of our favour & benevolence, ſuffer ony perſon or perſones to vſe, poſſeid, or bruik ony priviledges, poſſeſſiones of landes, rentes and offices, or of ony thing quhatſumeuer falland vnder this our revocation: It ſall make na richt to the vſers, halders, or poſſeidars thereof, bot it ſalbe leifful to vs to put our handes thereto, quhen we pleaſe, bot ony contradiction, and that bee vertew of this our Revocation, Actes, and conſtitutiones of our Realme. Proteſtand ſolemnedlie, that our abſence foorth of our ſaide Realme at this time, and the ſolemnities required in that be-halfe (gif onie bee) not being done, bee na prejudice to vs, anent our fore-ſaide re- *General revocation*

The Kings lang patience, preiudges not his revocation.

revocation,with the quhilks we diſpenſe and ſupplies all faultes there-of,gif onie be,be our Queenelie power and authoritie Royall.

And that this Revocation be intimat,inſinuat,and declared in the nixt Parliament, to be halden in our Burgh of *Edinburgh*, within our Realme,in the Moneth of *Maij or Iunij*,nixt thereafter.

29 Anent the ſealing and ſubſcription of reverſiones,and writes belang and thereto.

ITEM,In likewiſe it is ſtatute and ordained, that all reverſiones to be maid in time to cum,and all bandes and obligations, for making,ſealing,and delivering of reverſions,be maid vnder the ſcale & ſubſcriptiõ of the promittar & giver thereof: And gif the partie cannot ſubſcriue, to ſubſcriue the ſame with his hand,led at the pen be ane notar. And gif ony inſtrument,or vther kinde of writing be maid for giving of reverſiones, or bearand and conteinand reverſion: that writing or inſtrument ſal mak na faith,bot gif it be inſert with conſent of the parties in judgement,in the buikes of ſome ordinar judge: except gif it happenis within Burgh, that the time of reſignation of landes in the Baillies handes, the Clerk of the Burgh, Notar to the ſaiſing giving be the ſaid reſignation, be required then inſtantlie of inſtrument in his handes of the reverſion,before the ſamin witneſſe required in the inſtrument of ſaiſing, and giues his inſtrument thereupon: Quhilk ſall make faith as ſufficient reverſion. And als,that all diſcharges of reverſiones in all times to cum,be ſealed and ſubſcrived in maner abone written: And gif the partie can not ſubſcriue, to ſubſcriue the ſamin with his hande, at the pen led, be ane authentick Notar,and ſealed with his ſeale,as is abone written.

30 Anent warning fra redeemed landes,and the paine for none-removeing.

ITEM, In likewiſe it is ſtatute and ordained, that gif ony perſones havand richt be reverſion to redeeme lands,or vther poſſeſſions, makis, or cauſis mak lauchfull warning to all parties,fra quhom the ſaids lands or vther poſſeſſiones aucht and ſulde be redeemed, to compeir at ane certaine day,in the place named in the ſaid reverſion,for receiving of the ſummes of money and tackes, gif ony be ſpecified therein, and at the day warned,fulfilling all thinges,as accordis,conforme to the reverſion for his parte,gif the parties warned,as ſaid is,compeiris,and refuſis to graunt the ſaidis landes or poſſeſſiones lauchfullie redeemed, or abſentis themſelues, gif there be na tackes to run,after the redemption of the landes or poſſeſſiones, or the tackes being run out, the haver of the richt to the reverſion, cauſand lauchfull warning to be maid to the parties foreſaidis, and all vthers occupyars, before ony *Whitſunday* terme, after the redemption, to flit and remove fra the ſaidis landes and poſſeſſiones,the redemption in maner abone ſpecified,being found in lauchfull, and the landes be vertew thereof, decerned lauchfullie redeemed;

In

In that caſe the parties quha ſuld haue granted the redemption of the ſaidis landes refuſed and abſented, ſalbe called as violent poſſeſſoures thereof, fra the terme of *Whit ſunday*, before the quhilk lauchfull warning was maid to remoue, as ſaid is, ſik-like as the lands and poſſeſſions had bene granted lauchfullie redeemed the day of the redemption.

31 *Ane man-ſlayer may be relaxed vpon caution, to ane certane day: And being thereafter denunced Rebell, the daies of Relaxation, are ſteemed dayes of rebellion.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones ſlayis ane vther, the perſon being charged to finde ſoverty within ſex daies, and findis not the ſamin, or ſovertie being foundin, compeiris not at the day, and ſwa he put to the horne, and ony time thereafter within zeir and day, he offerris of new to vnderly the Law, and to finde ſovertie therevpon, the paines ſalbe doubled, ſovertie being foundin, and hee relaxed. And gif he compeiris not at that day, and of new beis denunceed rebell, his relaxation maid and given, be vertue of the laſt ſovertie foundin, ſall na waies helpe him anent the tinſell of the life-rent of his landes, bot he ſall tine the ſamin, as he had not bene relaxed fra the firſt horning: And this to be extended to all relaxationes maid within zeir and daye, after the firſt horning, and to airt and pairt of the ſlauchter, with the paines ay doubled: And attour, all alienationes, contracts, obligations, and vther thinges quhatſumeuer, that ſalbe done be him, to be null and of nane availe in the ſelfe, without ony proceſſe of reduction, during the time of his relaxation vpon his ſoverties, foundin after the firſt horning: Swa that hee compeir not at the day, and enter to the quhilk he findis ſoverties: ſik-like as and he had annalied, contracted, obliſhed, or done vther thinges, beand Rebell, and at the horne. And this act to be extended in the favoures of vthers ſuperioures, alſweil as vnto the Queenis Grace. And gif it happenis ony perſon or perſones, committers of ſlauchters, for none-finding of ſoverties, or ſovertie being foundin for none-compeirance, beis denunced Rebelles, and put to the horne, and thereafter paſſis to Girth, and offers to finde ſovertie to abide the Lawe, for the fore-thocht-fellony: In that caſe ſovertie being foundin, and they compeirand at the day, and acquite of the fore-thocht-fellony, to be reſtored againe to the Girth, and the act foreſaide to haue na place againſt them, bot vpon the ſecond horning.

32 *Anent ſummoning of perſones paſſand foorth of the Realme.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones beis ſummound and warned lauchfullie, aucht daies before their departing foorth of the Realme, and paſſis foorth of the ſamin thereafter: *Niſi Reipublicæ cauſa*, the partie perſewar ſall haue proceſſe vpon his firſt ſummounding bee continuationes, in ſik-like maner, as and his partie had not paſt out of the Realme, be warninges on fifteene dayes,

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langer or ſchorter, as the perſewer ſall deſire, makand warning at the dwelling place of the defendar, gif he ony hes: And failzieing, that he haue na dwelling place, nor hes not conſtitute Procuratoures, to bee warned at the mercat croce of the head Burgh of the Schire, quhair he had maiſt reſorte, before his departing. And this act to haue place in civill actiones allanerlie, bot not againſt witneſſe.

33 *The ordour for ſummoning of parties to compeir before the Iuſtice, or vthers Iudges.*

ITEM, It is ſtatute and ordained, that ony perſon ſummound to compeare before the juſtice, his deputes, or vthers judges within this Realme, havand power of juſticiarie in criminall cauſes: The copie of the ſaidis letters or precept, quhairby hee is ſummond, ſalbe delivered to him, gif he can be perſonallie apprehended, and failzieing thereof, ſall be deliuered to his wife or ſervands, or affixed vpon the zet of his dwelling place, gif he ony hes, and thereafter open proclamation being maid at the head burgh of the Schire, ane vther copie to be affixed vpon the mercat-croce. Providing alwaies, that gif there be maa perſons nor twa conteined in the letter, being all called vpon ane deede and crime: In that caſe, twa copies to be delivered to twa of the principall named in the ſaidis letters, or then given to their wiues, ſervandes, or affixed vpon their zettes or dwelling places, gif they ony haue, and ane copie left & affixed vpon the mercat croce, quhair the publication is maid, to be ſufficient to the haill perſones, quhatſumever they bee conteined in the ſaidis letters.

34 *Anent giving of ſaiſinges vpon precepts of the Chancellarie.*

ITEM, For-ſa-meikle, as in vmquhile our Soveraine Lordis time, that laſt deceaſed, It was ſtatute and ordained, that all ſaiſinges quhilkis paſſis vpon precepts of the Chancellarie, to be given be the Schireffe Clerke, or his deputes: Sen the quhilk acte, there is be occaſion of weit and great troubles, diverſe ſaiſinges given be vthers Notars, vpon precepts paſt foorth of the ſaid Chancellarie: Therefore the three Eſtaites of Parliamente, diſpenſis with that fault of all ſaiſinges, given be vthers Notars, ſen the making of the foreſaid acte, and ordainis the ſaid acte to be publiſhed, and haue effect in time cumming, with this addition: That vpon all precepts paſt foorth of the Chancellarie, the Schireffe, Steward or Baillie, alſweill the Regalitie, as Royaltie, or their deputes, ſalbe required to paſſe to giue ſaiſing with the Schireffe Clerke and his Deputes: And gif the Steward, Baillie, or their deputes refuſis to paſſe and giue ſaiſing, then the partie haver of that precept to put ony vther Baillie to giue ſaiſing, as he ſall think maiſt expedient.

35 *Anent the ordour for giving of curatoures to minors.*

ITEM, Becauſe it is vnderſtand, that be the giving of curatoures to to Minores bee ſindrie judges, there hes bene great skaith ſuſteined be the ſaidis minores: Therefore it is ſtatute and ordained, that in all times cumming, quhen onie Minor paſſis the zeires of his Tutorie, and deſiris Curatoures: That he cum before his judge Ordinar, and deſire of him ane ſummounds or edict, to warne twa, at the leaſt, of the maiſt honeſt and famous of the Minors kin, and all vthers havand intereſſe, quhilk ſalbe warned lauchfullie: That is to ſay, the ſpeciall perſones perſonallie, or at their dwelling places, givand ane copie to their wiues or ſervandes, or affixand it on their zettes or dures, and vthers havand intereſſe generallie at the mercat croce of the head Burgh of the Schire, quhair the ſaidis minores hes their landes or gudes, to compeir at ane certaine daye, vpon nine daies warning at the leaſt, to heare and ſee the Curatoures deſired be the ſaid minor, to be given to him vnto his perfite age of twentie ane zeires, and caution foundin, *de fideli adminiſtratione*, quhilkis beand giving in maner foreſaide, they ſall not be revoked nor diſcharged, nor vthers choſen to the minor, vnto the time they be called before the Lordes of Councell, or vthers judges Ordinar, at the will of the bairne, to heare and ſee them diſcharged, and revoked for reaſonable cauſes: Quhilkis being foundin of veritie, they then to be diſcharged, and vthers curatoures given in their places be the ordour foreſaid, with caution, and na vther-wiſe.

36 *Anent eating of fleſh in* Lentron, *and vthers daies forbidden.*

ITEM, For-ſa-meikle as there is diverſe inſolent and evill given perſones, not regardand the Lawe of GOD, and conſtitution of halie Kirk, bot in high contemption thereof, and to the great ſclander of the Chriſtian people, eatis fleſh in *Lentron* and vthers daies forbidden be the Kirk, and Lawes thereof.

Therefore, for the repreſſing and puniſhment of the quhilk: It is ſtatute and ordained, that na perſon nor perſones contemnandlie and wilfullie without diſpenſation or requiring of licence of their Ordinar, their Perſon, Vicar, or Curate, eate fleſh plainely or privatelie in the ſaidis daies and times forbidden, vnder the paine of confiſcation of all their gudes moveable, to be applyed to our Soveraine Ladies vſe, & gif the eaters hes na gudes, their perſones to be put in priſon, there to remaine zeir and day, and further induring the Queenis Grace will, but prejudice of the Spirituall punition, conforme to the commoun Lawe.

37 *Of reverſiones conteinand tailzied gold and ſilver.*

ITEM, Becauſe there is diverſe and ſindrie reverſiones maid and given for redemption and out-quitting of landes, beirand and conteinand gold and ſiluer of certaine ſpeciall valour and price: And the ſaid gold & ſilver is not now to be gotten, quhairthrow the havers of ſik reverſiones hes bene oft times differred fra redemption of their landes:

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Therefore it is deviſed, ſtatute and ordained, anent all reverſiones, beirand and conteinand gold and ſilver, or ather of them, of certaine ſpeciall valour and price or cuinzie, that gif ſik gold and ſilver can not be had nor gotten within the Realme, the havers of thay reverſiones may redeeme the landes ſpecified therein, be vertew of their ſaidis reverſions givand golde and ſilver, havand courſe for the time, beand of the ſamin valure, weicht and fines, as the gold and ſilver ſpecified in the ſaidis reverſiones, conforme to the commoun Lawe: And this act to be extented to all and quhat-ſum-euer reverſiones by-gane and to cum.

38 The procuratorie and inſtrument of reſignation ſuld be ſealed and ſubſcrived.

ITEM, It is ſtatute and ordained, that all rẽſignationes to be maid be vaſſalles in time to-cum, of their properties in the Superiours hands, *ad perpetuam remanentiam*, beand maid be procuratorie, the ſaid procuratorie ſalbe ſealed and ſubſcrived be the vaſſalles handes: And gif hee cannot write, to be ſubſcrived with his hande at the pen, led be ane authentick Notar, and ſealed, as ſaid is. And gif the ſaid reſignation beis maid be the vaſſall perſonallie, *ad perpetuam remanentiam*, that the inſtrument thereof bee ſealed with the ſeale of the reſignar, and ſubſcrived with his hand: And gif he cannot write, to be ſubſcrived with his hand at the pen, led be ane Notar in maner foreſaid, and na reſignation *ad perpetuam remanentiam*, to haue faith in time to cum, vtherwaies then is abone ſpecified.

39 Anent the warning of tennentes.

ITEM, It is ſtatute and ordained, that in all times cumming, the warning of all tennentes and vthers, to flit and remoue fra lands, milnes, fiſhinges and poſſeſſiones quhat-ſum-euer, ſalbe vſed in maner following: That is to ſay, lauchfull warning being maid ony time within the zeir, fourtie daies before the feaſt of *Whitſunday*, outher perſonnally or at their dwelling places, and at the ground of the landes, and ane copie delivered to the wife or ſervandes, and failzieing thereof, to be affixed vpon the zettes or dures of the dwelling places of the ſaidis landes, gif onie be, and thereafter the ſamin precept of warning to bee red in the Paroch Kirk, quhair the landes lyis, vpon ane Sabboth daye before noone, the time of Preaching or Prayers: And ane copie left and affixed vpon the maiſt patent dure of the Kirk, fourtie daies before the terme and na furder laying foorth of ſtreſſes, and remooveing vpon *Wedneſday*, to be vſed in time to-cum. And gif the partie warned, in maner foreſaid, removis not at the terme, in that caſe, the warner ſall incontinent, or ſa ſoone as pleaſis him, cum to the Lordes of Councell, or to the Schireffe of the Schire, or vthers Iudges Ordinares, havand juriſdiction, ſchawand his precept of warning, ordourlie execute and indorſate, and ſall haue letters or precept to charge the parties warned and poſſeſ-

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ſoures of that ground, to compeir before the ſaidis Lordes, Schireffes or their deputes, or vthers judges Ordinares foreſaidis, havand juriſdiction, vpon ſex daies warning, or langer, at the will and deſire of the perſewar, to heare and ſee them decerned to remoove, deſiſt and ceaſe, conforme to the precept of warning and execution thereof, or elſe to ſchaw ane reaſonable cauſe, quhy they ſuld not do the ſamin, with certification to them and they failzie, that letters ſalbe direct *ſimpliciter* vpon them in the ſaid mater: At the quhilk day, gif they compeir not, the Lordes, Schireffes, or vther judges Ordinar havand juriſdiction, ſall decerne them to remove, deſiſt and ceaſe fra the landes: And gif they compeir and inſtantlie ſchawis ſufficient title to bruik the landes: In that caſe, the ſamin judge to proceede and do juſtice, as accordis of the Lawe: And gif the partie compeiris and ſchawis na thing, bot makis alleageance, and offers him to improoue the indorſation: In that caſe he ſall not be heard in judgement, bot gif he finde ſufficient caution to the warner then inſtantlie, that gif his alleageance being foundin releuant, be not ſufficientlie verefied & provē be him, that the profites, damnage, and intereſt, quhilkis the ſaid warner or ony vthers havand intereſt, hes ſuſteined, or ſall happen to ſuſteine, be the delay of the foreſaide alleageance, be refounded to him: And to the effect that this ordour may haue ſufficient proceſſe in all times to-cum; It is deviſed, ſtatute and ordained, that all Schireffes, and vthers judges Ordinar, havand juriſdiction, as ſaid is, be their ſelues, or their ſufficient deputes, bee reddie to ſit be fenſed courtes, all the lauchfull fifteene daies after immediatlie the feaſt of *Trinitie* Sunday, for doing of juſtice in the ſaidis cauſes, in manerabone ſpecified: And gif the Schireffes or judges Ordinares, havand juriſdiction in maner foreſaid, and their deputes failzies to be reddie in granting of precepts, and doing of juſtice for obſerving of this ordour: In that caſe, they ſall pay to the partie their haill damnage, intereſſe and expenſes, but prejudice of the action, againſt the violent occupyars and poſſeſſoures foreſaidis.

AND Als, that na Advocation of cauſes be taken be the Lords fra the judge Ordinar, except it be for deadlie feede, or the Schireff principal, or the judge Ordinar be partie, or the cauſes of the Lords of Councell, and their Advocates, Scribes and members. *Advocation of cauſes*

40 Anent the having of talloun, victualles and fleſh furth of this Realme.

ITEM, Becauſe ane great part of the lieges of this Realme, and vthers ſtrangers, hes thir diverſe zeires by-gane, caried furth of the ſamin victuall and fleſh; quhair-throw greate dearth dailie increaſis: Therefore it is ſtatute and ordained now, that nane of our Soveraine Ladies Lieges nor ſtrangears in time cumming, carrie ouie victualles, talloun or fleſh foorth of this Realme, to vther partes, except ſa-meikle as ſalbe their neceſſar victualling for their voyage, vnder the paine of eſcheitting of the ſaide victuall or fleſhe, to our Soveraine Ladies vſe,

togidder with the reſt of all their gudes moveable, to bee applyed and in-brocht to our Soveraine Ladies vſe, as eſcheitte: Providing alwaies, that it ſalbe leifful to the inhabitantes of the Burrowes of *Aire, Irving, Glaſgow, Dumbertane*, and vthers our Soveraine Ladies Lieges, dwelling at the Weſt Seas, to haue baken bread, browen aile, and *Aqua-vitæ* to the Il[illegible], to bartour with vther Merchandice: And this acte to be extended to the Maiſters and skippers of ſik veſchelles, as receivis ſik victuallis, fleſh and talloun, as to the awners of the ſaidis gudes.

41 *In criminall cauſes the perſewer ſall haue foure friendes, and the defender ſex allanerlie.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones being called to vnderlie the Law before the juſtice, his deputes, or vther havand power to ſit in criminall actiones, compeirand at the day, they ar called, quhat number that euer they bee of, being all called on ane crime: They ſall haue allanerlie with them at the barre, ſex of their maiſt honeſt, wiſe, ſubſtantious friendes, able to giue councell with their Advocattes to defend: And the partie perſewer of that crime, to haue with them foure of their friendes allanerlie: Swa that be multitude of friends cummand to the barre, the getting of ane aſſiſe ſall not be ſtopped: And the breakers of this act, to be puniſhed in this maner: That is to ſay, the juſtice, or vther judges foreſaidis, to charge the breakers to enter their perſones in waird, vnder the paine of rebellion, and putting of them to the horne, and gif they diſobey, to put them to the horne: And gif they obey and enters in warde, there to remaine during the Queenis Grace will.

42 *Anentis nullities.*

ITEM, It is ſtatute and ordained, that all nullities be received and haue proceſſe, be way of exceptiones or replyis, and all titles, contractes, infeftmentes, or vther thinges quhatſumever, that ar null of the Lawe, to be declared in time cumming null, and of nane availe, be exception or reply in that ſame inſtance, they ar produced: Providing alwaies, that the partie againſt quhom the ſaid exceptiones or reply of nullitie is proponed, haue ſik-like day to call his warrand before the anſwering thereto, as he micht or ſuld haue had, in-caſe he had bene called be way of action, to haue heard his title, contract, infeftment, or vther thing produced be him, declared null of the Law.

43 *Anentis leagues and bandes.*

ITEM, Becauſe it is thocht againſt all Law and obedience of ſubjects toward their Princeſſe, the making of particular leagues, outher in Burgh or to Lande, and giving and taking of bandes of man-rent, and maintenance *reſpectiuè*: Therefore it is ſtatute and ordained, that all leagues maid in times by-gane be null, and of nane availe: And al bands of

of man-rent and maintenance in likewiſe, bee null, and of nane availe, except heretable bandes given of before, or given for aſſithment of ſlauchters in time by-gane: And diſchargis all making of leagues or bands in time to-cum, and that the receivers and givers thereof in times by-gane, be free either of vther in time cumming, and of onie profite be life-rent of landes, tackes, teindes, baillieries, or zeirlie payment, granted or given for the ſaidis bandes of man-rent, to returne to the givers, as the ſamin had never bene given: For the declairing hereof, the bruikers of the ſaidis life-rentes of landes, tackes, teindes, baillieries, or zeirlie profite for bandes of man-rent, ſall anſwere to the giver thereof, for the ſaid band, vpon xxj. dayes warning, but diet or table, before the Lordes of Councell, to here and ſee the ſaidis life-rent of landes, tackes, teindes, baillieries, or zeirlie profite given for the ſaidis bandes, be decerned to returne againe to him be this act. Quhilkis being declared be the ſaidis Lordes, to returne to the givers: They ſall make their lauchfull warning fourtie daies before the feaſt of *Whit-ſunday* nixt thereafter, and intromet with their awin, as accordis: And quhatſumeuer perſon or perſons that makis leagues, or givis or takis band of man-rent, and maintenance *reſpectiuè* in ony time cumming, they ſalbe puniſhed be putting of their perſones in waird, there to remaine during the Queenis Grace will.

43 *Notars ſuld be examined and admitted be the Lordes of Seſſion, and their protocolles ſuld be marked.*

ITEM, The Queenis Grace Dowrier, and Regent of this Realme, and the three Eſtaites of Parliament of the ſamin, conſiddering the great and mony falſettes daylie done within this realme be Notars, and that our Soveraine Lord, King *Iames* the Fifth, and in likewiſe our Soveraine Ladie, in her Parliament halden at *Edinburgh*, the firſt daye of *Februar*, the zeir of God, ane thouſand, fiue hundreth, fiftie ane zeires, maid actes for ordouring of Notars, and puniſhment of falſars, quhilkis as zit hes tane na dew and effectuall execution: Therefore it is ſtatute and ordained, that all Notars within this Realme, baith Spirituall and Temporall, be cauſed to cum be their Ordinares, Schireffes, Stewards and Baillies *reſpectiuè*, to the Burgh of *Edinburgh*, there to compeir perſonnallie before the Lordes of Councell, or that the ſaidis Lordis direct their letters, requiring and chargeing all Notars within this Realme, to compeir before them, as ſaide is, bringing with them their creationes and haill protocolles, betuixt this and the Feaſt of *Whitſunday*, nixt-to-cum, at ſik dayes as ſall be appoynted and aſſigned be the ſaidis Lordes, to be examined, and their creationes viſied be them, their protocolles produced to be marked be the ſaidis Lordes, and the leafe numbred, and the blancks marked, and the ſaid protocol buiks not to be ſeene nor red, bot to be marked, in preſence of the ſaid Notar, & delivered againe to him but ony inſpection: And as they be foundin qualified and admitted be

the ſaidis Lordes of Councell, to vſe the office of Notarie thereafter: And that na Notar, be quhat ſum-euer power he be creat, vſe the office of Notarie within this Realme in time cumming, bot gif he firſt preſent himſelfe to the ſaidis Lordes, ſchaw and his creation, and be admitted be them, as qualified thereto: And that na Notars that ſall happen to be diſcharged be the ſaidis Lordes, or not admitted be them hereafter, vſe the office of Notarie, vnder the paine after ſpecified. And attour, it is ordained, that all Notars to bee admitted, as ſaide is, givand inſtrumentes, and requirand witneſſe thereto, they ſall require the ſaidis witneſſe quhair they dwell, or take ſome vther evident taikin of them, and inſert the ſamin in their ſaidis inſtrumentes, that the witneſſe may bee knawin, being preſent at that time. Furder, gif onie Notars beis convict of falſed, and not admitted be the Lordes, in maner foreſaid, and vſe the office of Notarie, they ſalbe puniſhed as followis: That is to ſaye, their haill moveable gudes to be eſcheit, and applyed to our Soveraine Ladies vſe, and they to want their richt hande, and to be baniſhed the Realme for ever: And furrher, they ſalbe puniſhed to the tinſel of their life *incluſiuè*, as the qualitie of the cauſe requiris, bee ſight and diſcretion of the judge: And the cauſers of they falſettes to be done to receiue the ſamin puniſhment in their perſones and gudes. And becauſe in the acte maid be our Soveraine Ladie, in her Parliament foreſaid, all Notars were ſuſpended fra the laſt day of *March* thereafter, vnto the time of their admiſſion, be the Lordes foreſaidis, it being conſidered, that the ſaid acte tooke not as zit dew execution: Therefore the Queenis Grace Regent, with the adviſe of the three Eſtaites, diſpenſis and ſupplies ony fault be that part of the ſaid act, in all inſtrumentes given ſenſine, and all inſtrumentes to be given vnto the feaſt of *Whit-ſunday* nixt-to-cum foreſaid.

45 *Wooll, and vther ſtaple gudes cuſtomable, ſuld not be caryed into* England.

ITEM, It is ſtatute and ordained, that na perſon nor perſons, ſend nor cary wooll, skin, hides, or vther ſtaple gudes cuſtomable, furth of this Realme be land, in the Realme of *England*, vnder the paine of eſcheitting of the ſamin, to be in-brocht to our Soveraine Ladies vſe. And als the breakers of this acte, to be puniſhed in their perſones, at her Grace will, and gif thay gudes caryed, cannot be apprehended, the away taket and haver thereof furth of the Realme, as ſaid is, ſal pay als meikle as the valour of thay gudes caryed, to our Soveraine Ladie, hee being convict of the crime, and to be puniſhed in maner abone written.

47 *Anentis the giving of ſaiſing vpon precepts not paſt foorth of the Chancellarie.*

ITEM, Anent the giving of ſaiſinges vpon precepts, that paſſis not foorth of the Chancellarie, to quhat-ſum-euer perſon or perſones: IT IS Statute and ordained, that the takers of the ſaiſing, either aire, vaſſall

vaſſall or ſub-vaſſall, within zeir and day preſent his ſaiſing to the Schireſſe Clerke of the Schire, quhair the landes lyis, he to inſert the ſamin in his Court buikes, at the leaſt the day and Moneth of the giving of the ſaid ſaiſing, the name of the landes conteined in the ſamin: The name of the Notar and witneſſe conteined there-in-till: And that the ſaid Clerk bring with him in everie-ilk Checker the ſaid court buiks, & giue the double in that pairt thereof, ſubſcrived with his hande & ſigne manual, to remaine in the regiſter, togidder with the double of his awin protocoll, cõforme to the act maid be K. *Iames* the Fifth, that al perſõs havand intereſſe, may haue recourſe thereto: Providing alwaies that the Clerke take na mair for the inſerting of the ſaid inſtrument in his court buik, bot twa ſhillinges for his laboures.

48 Anent puniſhment of falſe witneſſe.

ITEM, It is ſtatute and ordained, quhair ony witneſſe deponis falſelie, or ony manner of perſonne or perſonnes in-ducis them to beare falſe witneſſe, that al ſik perſones in times cumming, be puniſhed be pearſing of their tounges, and eſcheitting of all their gudes to our Soveraine Ladies vſe, and declared never to be able to bruik honour, office, or dignitie fra thine foorth, and furder puniſhment to bee maid in their perſones, at the ſight and diſcretion of the Lordes, according to the qualitie of the fault.

49 Anent the Woodde of Falk-land.

ITEM, For-ſa-meikle as be our Soveraine Ladies letters, direct to the Schireffe of *Fife* and his deputes, for taking of cognition, gif the woodde of *Falk-land* was auld, failzied & decayed in the growth thereof, and able to faill alluterlie: IT Was found in be ane aſſiſe, that the ſaid woodde of *Falk-land* for the maiſt parte thereof was auld, failzied, and decayed, and meete to be cut downe for the commoun weill of the Realme, and to be parked, haned and keiped of new, for policie thereof: Therefore it is ſtatute and ordained bee the Queenis Grace, and the three Eſtaites foreſaidis, that the ſaid Woodde of *Falk-land* be cutted, & of new parked againe, keiped and haned for riſing of zoung growth thereof, to the great policie and weill of the ſamin.

50 Anent the liberties and priviledges of Burrowes.

ITEM, The Queenis Grace Dowrier and Regent of this Realme, with adviſe of the haill three Eſtaites of Parliament, vnderſtanding clearelie, that the Eſtaite of Burgeſſes thir mony zeires by-gane, bee great trouble of weires hes ſuſteined infinite skaith baith in their landes and gudes, and als that their priviledges granted to them, be our Soveraine Ladies maiſt Noble Progenitoures, and actes of Parliament maid there-upon, hes not bene obſerved nor keiped to them, as accordis: Therefore the Queenis Grace Regent, with adviſe of the three Eſtaites foreſaidis, hes ratified and apprieved, and ratifies and apprievis all pri-

viledges and actes of Parliament, granted and maid in favoures of Burrowes, Burgeſſes and Merchandes: And hes ſtatute and ordained, that letters be direct be the Lordes of Councell, at the inſtances of all Burrowes, vpon their priviledges and actes of Parliament maid thereupon in all times to-cum, for putting of the ſamin to dew execution with al rigoure, againſt them, that dois or cummis in the contrair of their ſaidis priviledges and actes foreſaidis, without calling of ony partie.

51 *Anent the ſlaying of wild beaſtes, wilde-fowles, halking and hunting.*

ITEM, For ſa-meikle, as in vmquhile our Soveraine Ladies maiſt Noble Progenitoures times, ſpeciallie King *Iames* the Firſt, the Second, and the Thrid, and als our Soveraine Ladies maiſt Nobill Father King *Iames* the Fifth, and now in hir Graces awin time, diuers acts of Parliament hes bene maid, for ſtanching and repreſſing of the ſlaying of wilde fowles, and wilde beaſtes, and ſchutting at them with culveringes, halfe-hag, and piſtolette: Quhilkis acts the three Eſtaites of Parliament hes ordained to be publiſhed & put to execution with al rigour in times cumming, with this addition: That na man take vpon hand to ryde or gang in their nicht-bouris cornes, in halking or hunting, fra the Feaſt of *Paſche*, vnto the time that the ſamin be ſchorne. And that na man ryde nor gang vpon quheate na time of the zeir: And that na Pertrick be taken vnto the feaſt of *Michael-mes*: and that na perſon range vther mennis Wooddes, Parkes, haninges within dikes or broomes, without licence of the awner of the grounde, vnder the paine of refoundement of the damnage and skaith to the parties, vpon quhais Cornes they gang or rides, or quhais Wooddes, Parkes, haninges within dikes or broomes, they ſall happen to range. And Ten pounde for the firſt fault to OVR SOVERAINE LADIE, twentie poundes, the nixt: and the thrid fault, eſcheitting of their guds moveable: And all vther paines anentis the poyntes conteined in our Soveraine Ladies actes, and her maiſt Noble Progenitoures maid of before to be execute with all rigour, conforme to the ſamin.

52 *Anent the diſchargeing of Deakones, and chuſing of viſitoures.*

ITEM, Becauſe it hes bene clearelie vnderſtand to the Queenis grace Regent, and the three Eſtaites, that the chuſing of Deakones and men of craft within Burgh, hes bene richt dangerous, and as they haue vſed themſelves in times by-gane, hes cauſed great trouble in burrowes, commotion, and riſing of the Queenis Lieges in diverſe partes, and bee making of ligges and bandes amangſt them-ſelues, and betuixt Burgh and Burgh, quhilk deſervis great puniſhment:

There-

THEREFORE The Queenis Grace Regent,with adviſe of the three Eſtaites foreſaidis, hes ſtatute and ordained, that there bee na Deakones choſen in times cumming within Burgh, bot the Proveſt, Baillies, and Councell of the Burgh to chuſe the maiſt honeſt man of craft,of gude conſcience,ane of everie craft,to viſie their craft,that they labour ſufficientlie, and that the ſamin bee ſufficient ſtuffe and warke: And thir perſones to be called viſitoures of their craft,and to be elected and choſen zeirlie at *Michael-mes*,be the Proveſt,Baillies,and Councell of Burgh: And that they thereafter giue their aith in judgement,to viſie lealelie and trewlie their ſaide craft,without ony power to mak gaddering or aſſembling of them, to onie private convention, or making of ony actes or ſtatutes, bot all craftef-men in times cumming, to be vnder the Proveſt, Baillies,and Councell. And thir viſitoures choſen,ſworne, and admitted to haue voiting in chuſing of officiares and vther things, as the Deakones voiting of before: And that na craftef-man bruike Office within Burgh in times cumming: Except twa of them maiſt honeſt and famous to be choſen zeirlie vpon the Councell: And they twa to be ane parte of the Auditoures, zeirlie to the compt of the commoun gudes,according to the actes of Parliament,maid therevpon of before. And quha ſa ever cummis in the contrair of this acte,to be puniſhed be warding of their perſones, be the ſpace of ane zeir, and tinſell of their Freedome within Burgh, and never to be received thereafter, as freemen, vnto the time they obteine the favour and benevolence of the Proveſt, Baillies,and Councell, quhair the fault is committed,and the thrid part of their gudes to be eſcheitted and applyed to our Soveraine Ladies vſe,for their contemption.

54 *Anentis the commoun paſſage in Burrowes.*

ITEM,It is ſtatute and ordained be the Queenis Grace Dowrier,and Regent, with the adviſe of the three Eſtaites of Parliament,that all commoun Hie-gates,that free Burrowes hes bene in vſe of preceedant, outher for paſſage fra their Burgh,or cumming thereto, and in ſpeciall, all commoun Hie-gates,fra drie Burrowes, to the portes and Havens nixt adjacent,or proceedant to them,be obſerved and keiped,and that nane make them impediment,or ſtop there-intill: And gif onie dois,to be called and accuſed for oppreſſion, and puniſhed therefore, according to the lawes.

54 *Anent Burrowes of the Weſt Cuntrie.*

ITEM, The haill Burrowes of the Weſt Cuntrie, ſik as *Irwin*, *Aire*, *Dumbertane*,*Glaſgow*,and vther Burrowes at the Weſt partes,hes zeirlie in times by-gane reſorted to the fiſhing of *Loch Fine*, and vtheris *Loches* in the North Iles, for making of Herring, and vtheris Fiſſches, and after the compleeting of their buſineſſe at their pleaſure,

parted freelie, but payment of ony maner of exaction: Except the payment of the fiſhers allanerlie: Not-theleſſe certaine Cuntrie-men adjacent and dwelland beſide *Loch-Fine*, hes raiſed ane great cuſtome of everie laſt of maid herring, that ar tane in the ſaide *Loch*, of als great valour as the Queenis Grace cuſtome: Suppoſe the ſaidis Burrowes bring the ſaide herring, for furniſhing of their awin houſes, and the cuntrie: Quhilk cuſtome was never payed of before: Quhair-throw the ſaidis free Burrowes ar heavielie hurte: And for remeid hereof: It is deviſed, ſtatute and ordained, that all ſik cuſtomes and exactiones be diſcharged and not raiſed, nor vp-lifted fra the perſones foreſaidis of ony herring or fiſhes taken be them in the *Loches* foreſaidis, for furniſhing of their houſes, bringing of the ſamin within this Realme allanerlie, vnder the paines to be called as oppreſſoures, and puniſhed therefore, conforme to the Lawes of this Realme.

55 *Anentis horning vpon Kirk-men for taxt.*

ITEM, For-ſa-meikle, as in time by-gane, the Kirk-men and Spirituall Eſtaite of this Realme, hes bene required to make payment of their parte of the taxt, granted be the Eſtaites of this Realme, to OVR SOVERAINE LADIES Predeceſſoures, and her Hieneſſe in her time, for the furth-ſetting of the commoun weill of this Realme, vnder the paine of rebellion, and putting of them to the horne, and for none-payment thereof, ſome of them was denunced Rebelles and put to the Horne: Nevertheleſſe the Queenis Grace, for mainteinance of the libertie of halie Kirk, and priviledges of Spirituall Eſtaite, with adviſe of the three Eſtaites of Parliament, hes ſtatute and ordained: That na proceſſe of horning paſſe vpon ony Kirk-men for none-payment of their taxtes, to bee graunted in times cumming: Providing alwaies, that the Lords of the Spiritualitie, provide & finde ſome vther ſure & reaſonable maner, how the ſamin ſalbe in-brocht to our Soveraine Ladie, and her Grace payed thereof.

56 *Of the fineſſe of goldſmithes warke, and the marke thereof.*

ITEM, For-ſa-meikle as there is great fraude and hurte done vnto the Lieges of this Realme, be gold-ſmithes, that makis ſilver and golde of na certaine fineſſe, bot at their pleaſure: Quhair-throw there is ſome ſilver warke maid and ſet foorth of ſik baſeneſſe of allay, *videlicet*, of ſex and ſeven pennie fine, expreſſe againſt the honour and publick weill of the Realme: THERE-FORE It is ſtatute and ordained be the Queenis Grace, with adviſe of the three Eſtaites of Parliament: That na Gold-ſmith make in warke, nor ſet foorth, outher of his awin ſilver, or vther mennis ſilver, vnder the iuſt finance of elleven pennie fine, vnder the paine of death, and confiſcation of all their gudes moveable.

And

And that everie Gold-ſmith marke the ſilver warke that hee makis with his awin marke, and with the townis marke. And gif hee makis onie ſilver abone the ſaid fines, that he with his marke make ane prent of the juſt poynt of the fines that it is of, that it may be kende to all quhat fines it is of. And als, that na gold-ſmith make in wark or ſet furth of his awin gold, or vther mennis gold, vnder the juſt fines of twentie twa carrat fine, vnder the paines foreſaidis.

57 *Anent the diſpoſition of wine, ſalt, and Timmer.*

ITEM, For-ſa-meikle as it was ſtatute and ordained of before, be ane acte of Parliament, maid be vnquhile our Soveraine Ladies deareſt father: That the Proveſt, Baillies, and Councell of Burrowes, quhen onie Schippes happened to arriue at onie Portes, laden with wine, ſalt, and Timmer, ſuld conveene with the Merchandes that awe the ſaidis Wine, ſalt and Timmer, and bye, or ſet ane price of the ſamin reaſonable, that na maner of man, free-man, nor vn-free-man, bye onie of the ſaidis Wines, ſalt, or Timmer, bot fra the ſaidis Proveſt or Baillies, or awners thereof: And the prices maid be them, as ſaid is, the Prince for the time to be firſt ſerved, and his officiares contented of ſameikle, as they take to the Princis vſe allanerlie: And all Prelates, Earles, Lords, Barronnes, and vthers Gentlemen, to be ſerved of the ſamin prices, like as the ſaid acte mair largelie proportis: Not-the-leſſe, the Noble-men, ſik as Prelates, Earles, Lordes, Barronnes, and vthers Gentle-men ar not ſerved, according to the ſaide acte, bot ar conſtrained to bye the ſamin fra Merchandes vpon greater prices, in-contrair the tenour of the ſaid acte:

THEREFORE, It is ſtatute and ordained bee the Queenis Grace Regent, with adviſe of the three Eſtaites of Parliament, that the prices beand maid in maner foreſaid, that they ſall incontinent paſſe to the mercat-croce of that Burgh, and there be open proclamation declare the prices of the gudes foreſaidis, as they ar maid. And that nane of the gudes foreſaidis be diſponed be the ſpace of foure daies, to the effect, that they may be advertiſed and ſerved, according to the ſaid act.

58 *Anentis ſtealing of Halkes, Howndes, Pertrickes, Dukes, and ſlauchter of Daes, Raes, hunting of Deare, taking of Cunninges and fowles.*

ITEM, It is ſtatute and ordained be the Queenis Grace, with adviſe of the three Eſtaites of Parliamente, that the Actes maid bee King *Iames* the Thrid and Fifth, anentis the ſtealing of Halkes, Hownds, Pertrickes, Dukes, and ſlauchter of Daes, Raes, hunting of Deare, taking of cũnings & fowls, be of new publiſhed, & the ſame be put to dew executiõ, & the breakers therof to be puniſhed cõforme to the pains cõteined there-

there-in-till: And this acte to be extended alſweill vpon the ſtealers of Bee-hiues, fruit-trees, peillars of barkes of trees within Wooddes, and the fowlers lyand at wait with their nettes, as to the ſlayers of Daes, and Raes foreſaidis: And the ſamin paines to bee execute vpon them with all rigour accordingly.

59 Anentis libertie of Merchandes at the Weſt Seas.

ITEM, It is ſtatute and ordained, that the acte maid be King IAMES the Fourth, anentis the cumming of Schippes to free Burrowes, at the Weſt Seas, bee publiſhed of new, and the ſamin to be put to execution in all poyntes, after the forme and tenour thereof, and the breakers of the ſamin, to be puniſhed conforme to the paines conteined therein, with this addition: That na perſon take vpon hande to bye onie Merchandice fra the ſaidis ſtrangers, bot fra free-men, at free Portes of the Burrowes foreſaidis, vnder the paine of confiſcation of all the gudes that they bye, togidder with the reſt of their moveable gudes, to be applyed to OVR SOVERAINE LADIES vſe, gif they do in the conntrair.

60 Anentis the ſpeaking evill of the Queenis Grace, or French-men.

ITEM, For-ſa-meikle as diverſe ſeditious perſones hes in times by-paſt, raiſed amangſt the commoun people murmures and ſclanders, ſpeaking againſt the Queenis Grace, and ſawing evill brute anent the maiſt Chriſtian King of *France* his ſubjects ſent in this realme, for the commoun weill, and ſuppreſſing of the auld enemies foorth of the ſamin, tending throw raiſing of ſik rumours, to ſteir the hearts of the ſubjectes to hatrent againſt the Prince, and ſedition betuixt the Lieges of this Realme, and the maiſt Chriſtian Kingis Lieges foreſaidis: And for eſchewing of ſik inconvenientes, as micht follow there-upon: IT IS DEVISED, Statute and ordained, that gif onie perſones in times cumming bee heard ſpeakand ſik vn-reaſonable commoning, quhair-throw the people may take occaſion of ſik privie conſpiracie againſt the Prince, or ſedition againſt the maiſt Chriſtian Kingis ſubjectes foreſaidis, the ſamin being proven, ſal be puniſhed, according to the qualitie of the fault in their bodies and gudes, at the Queenis Grace pleaſure: And in-caſe the hearer thereof report not the ſamin vnto the queenis Grace, or her Officiares, to the effect that the ſamin may bee puniſhed, as accordis, that he ſall incurre the ſaidis paines quhilkis the principall ſpeaker or raiſer of ſik murmures deſervis.

61 Anentis *Robert Hude*, and *Abbot* of *Vn-reaſon*.

ITEM, It is ſtatute and ordained, that in all times cumming, na maner of perſon be choſen *Robert Hude*, nor *Little Iohn*, *Abbot* of *vn-reaſon*, *Queenis* of *Maij*, nor vtherwiſe, nouther in Burgh nor to Landwart, in onie time to-cum: And gif ony Proveſt, Baillies, Councell, and Communitie, chuſe ſik ane Perſonage as *Robert Hude*, *Little Iohn*, *Abbotis* of *Vn-reaſon*, or *Queenis* of *Maij*, within Burgh, the chuſers of ſik, ſall tine their freedome for the ſpace of fiue zeires, and vtherwiſe ſalbe puniſhed at the Queenis Grace will, and the acceptar of ſik-like office, ſall be baniſhed foorth of the Realme: And gif ony ſik perſones, ſik as *Robert Hude*, *Little Iohn*, *Abbottis* of *Vn-reaſon*, *Queenis* of *Maij* beis choſen out-with Burgh, and vthers Landward Townes, the chuſers ſall pay to our Soveraine Ladie, Ten poundes, and their perſones put in waird, there to remaine during the Queenis Grace pleaſure: And gif onie Women or vthers about Summer trees ſingand, makis perturbation to the Queenis Lieges in the paſſage throw Burrowes and vthers Landward townes: The women perturbatoures for skafrie of money, or vtherwiſe, ſalbe taken, handled, and put vpon the Cuck-ſtules of everie Burgh or Towne.

FINIS.

THE

THE SEVENTH PARLIAMENT OF MARIE, QVEENE of Scotland, halden at Edinburgh, the xiiij. day of December, the zeir of God, ane thousand, fiue hundreth, fiftie seven zeires: Be MARIE, Queene Dowrier, and Regent.

62 *Anent the finding of caution in maters of improbation.*

ITEM, Becauſe oft and diverſe times, parties ar differred and poſt-poned of obtening their intentes and ſentences in their juſt actiones, be opponing of falſettes and improbations, quhair throw proceſſe ar prolonged, to the great hurte of the ſaidis parties: It is therefore thocht expedient, ſtatute & ordained be the Queenis Grace Dowrier, Regent of this Realme, and three Eſtaites thereof: That in al times cumming, quhat ſumever partie proponis falſet, & takis on hand to improoue ony Charter, Precept, inſtrument of ſaiſing, contract, obligation, acquittance, teſtament, or vther writing quhat-ſum-euer, before the Lordes of our Soveraine Ladies Councell and Seſſion, Schireffes, Stewardes, Baillies of Royalties or Regalities, their Deputes, Proveſtes, Aldermen, Baillies of Burrowes, or ony vther Iudge Spirituall or Temporal within this realme, & failzies in the improbation of the ſame, the ſaid partie ſalbe condemned at the giving of the ſentence in the principall mater, to paye ane pecunial ſumme, as paine arbitral, at the ſight and diſcretion of the ſaidis Lordes, or vthers judges quhatſumeuer: That ane halfe thereof to be applyed & payed to the Queenis grace, and the vther to the partie adverſar. Providing alwaies, that there ſalbe na terme granted, ſet nor affixed to the ſaid partie takand on hand, and offering to improoue, quhill they finde caution then preſently acted in judgement, for payment of the ſaid paine, gif the ſaidis Lordes, Schireffes, or vthers judges vnderſtandis, that the ſaidis parties may get ſik caution, and failzieing thereof, the ſaidis parties themſelues to bee then acted for the ſamin: Providing alſwa, that in all ſik maters of improbationes

probationes to be proponed or mooved at the Queenis Grace inſtance. or her Hieneſſe Advocates, the promoter and inſtructer of the cauſe, finde ſik caution and be acted, as ſaid is: And this to be extended for finding of ſik caution, & acting alſweil at the raiſing of the ſumonds or precept, as objection of falſed, and offering to improoue at ony part of the proceſſe.

63 *Anent the probation of exceptions be write.*

ITEM, It is ſtatute and ordained, that ony exception being admitted to probation, it ſalbe declared bee the Lordes, how meikle of it requiris probation in write. And the proponer therof, ſall produce the writ, in the terme aſſigned to prooue, or then doe ſufficient diligence to cauſe it be produced, gif the ſamin be not in his awin handes: And failzieing thereof, proteſtation ſalbe given againſt the probation of that part of the ſaid exception: and gif the write be produced, it ſalbe leaſum to the partie adverſar, to ſay againſt the ſamin, after renuntiation of further probation be maid be the proponer of the ſaid exception, or proteſtation of the partie adverſar, admitted againſt further probation thereof.

64 *The expenſes of pley to be taxed and inſert in the decreetes.*

ITEM, The Lordes ordainis condemnatour or abſolvitour of expenſes to be maid at the deciſion of ever-ilk cauſe, and the ſamin taxt to be ſummed in the principall decreetes to bee given hereafter: Providing alwaies, that expenſes vſed in time by-gane, to be given in ony artickle of the proces be payed, as they were woont to be of before.

FINIS.

THE AVCHT PARLIAMENT CVRRENT, HALden at Edinburgh, the twentie ninth day of November, the zeir of God, ane thousand, fiue hundreth, fiftie aucht zeires: Be MARIE, Queene Dowrier, and Regent.

65 *The priuiledge and liberties of* French-men *within* Scot-land.

ITEM, Becauſe the maiſt Chriſtian King of *France*, hes granted ane letter of naturalitie, for him and his Succeſſoures, to al and ſindrie *Scotteſmen* being in the realm of *France*, or ſall happen to be in the ſame in onie times to-cum: Makand them able to bruik landes, heretages, offices, dignities, and benefices: And to diſpone there vpon, and their aires to ſucceede to their landes and heretages: Like as the ſaid letter of naturalitie, regiſtred in the Parliamen of *Paris*, in the great Councell, and in the Chalmer of compts, in the ſelfe at mair length proportis: Therefore the Queenis Grace Dowrier, and Regent of this Realme, and three Eſtaites of the ſamin, thinkis it gud and agreeable, that the like letter of naturalitie be given and granted be the King and Queene of *Scotland*, Daulphin and Daulphineſſe of *Viennoys*, to al & ſindrie the ſaid maiſt Chriſtian King of *France* ſubjects, being, or ſall happen to be in the Realme of *Scotland*, in onie times to cum, with ſik-like priviledges and faculties as is given be the ſaid maiſt Chriſtiane King of *France*, to the ſubjectes of this Realme: And the ſaide letter of naturalitie to be regiſtred in the buikes of Parliament, buikes of Councell and Seſſion, and in the Checker Rolles: Quhilkis letters of naturalitie, granted be the ſaid maiſt Chriſtian King, is brocht hame and regiſtred in the buik of Parliament, to be delivered to quhat-ſum-euer that requiris the ſamin.

66 *The*

66 The priviledges and liberties of *Scottes men* within the Realme of *France*.

HENRY *PAR LA GRACE DE DIEV ROY DE* France, *A tous presents & a venir, Salut. Comme depuis le mariage cy deuant pourparlé entre nostre treschere & tresaymé fils le Roy Daulphin. & nostre treschere & tresayméé fille la Royne d'Escosse Daulphine son espouse, faict, arresté & consumé, Les deputez des estatz dudit royaume, ayent pour & au nom desdits estatz faict à nostre dict fils le serment de fidelité comme à leur vray & naturel Seigneur qu'il est, Au moyen de quoy estans les subiects des deux royaumes (qui ont iusques icy et des long temps ordinairement communiqué ensemble, vescu en mutuelle amitié & intelligence, fauorisé & secouru les vns les autres) par lapproche des maisons de* France *& d'Escosse tellement vnis ensemble, que nous les estimons comme vne mesme chose. Et desirants à ceste cause, pour mieux establir, entretenir & fortifier ceste amitié entre nosdits subiects & ceux dudit royaume d'Escosse, & donner ausdits habitants d'iceluy Royaume d'Escosse plus de moyen de visiter leur Roy & Royne quand ils seront dedeca, resider auprés d'eux, les suyure & seruir comme à bons & fideles subiects apartient: Les gratifier & fauoriser des graces & priuileges dont iouyssent nos propres subiects. Scauoir faisons que nous, ces choses considerées, & pour plusieurs autres grandes & raisonnables causes à ce nous mouuantes, auons à tous les habitants dudit royaume d'Escosse, subiects de nostre dit fils le Roy Daulphin, & de nostredite fille son espouse, permis accordé & octroyé, permettons, accordons et octroyons par ces presentes, qu'ils puissent & leur loyse toutes fois & quantes que bon leur semblera soy habiter, venir, resider, et demeurer en cestuy nostre royaume, et en iceluy accepter tenir & posseder tous & chacun les benefices, dignitez & offices Ecclesiastiques, dont ils pourront estre iustement & canoniquemẽt pourueus, a bon titre, non derogeant aux saincts decretz, concordats, priuileges, franchises & libertez de l'Eglise Gallicane. D'iceux prendre & apprehender la possession & iouyssance, & en receuoir & perceuoir les fruicts, profits, & reuenus à quelque somme qu'ils soyent, & se puissent monter. Et d'auantage, acquerir en ce royaume, pais, terres & signeuries de nostre obeissance, tous & chacun les biens tant meubles qu'immeubles, qu'ils verront bon estre: Les tenir & posseder, Ensemble ceux qui leur pourront escheoir, competer & apartenir, soit par succession, donation ou autrement, & en ordonner & disposer par testament, ordonnance de derniere volonté, donation faicte entre vifs, et en quelque autre sorte que ce soit Et que leurs heritiers ou autres ausquels ils en auront disposé, leur puissent succeder, prendre et apprehender la possession et iouyssance de leursdits biens, tout ainsi qu'ils feroyent et faire pourroyent sils estoyent originairement natifs de nosdits royaume et pais. Sans que nostre procureur general, ou autres nos officiers puissent doresnauant pretendre lesdits biens à nous acquis par droict d'aubeyne, ny lesdits subiects dudit royaume d'Escosse soyent en la iouyssance d'iceux biens aucunemẽt troublez. Et à tout ce que dessus nous les auons habilitez & dispensez, habilitons & dispensons par ces presentes, soit qu'ils soyent habituez en nostredit royaume, pais, terres & seigneuries de nostre obeissance, ou audit royaume d'Escosse, sans quils soyent tenus pour raison de ce, nous payer ou a nos successeurs aucune finance ou indemnite, de*

laquelle, a quelque ſomme, valeur, & eſtimation qu'elle ſoit & ſe puiſſe monter, nous les auons, en conſideration de ce que deſſus, quitez & deſchargez, quitons et deſchargeons, & d'icelle, en faueur de noſtredit fils & de noſtredite fille, faict & faiſons don par ces preſentes ſignées de noſtre main. A la charge, que ſi pour raiſon deſdits benefices ſe meut procés, ils ne feront tirer ny conuenir aucuns de nos ſubiects ſi non par deuant ceux de nos Iudges auſquels la cognoiſſance en appartiendra. Si donnons en mandement par ces meſmes preſentes, a nos amez & feaux, les gens tenants nos cours de Parlement, grand conſeil, & de nos comptes a Paris, *& a tous nos Baillifs, Seneſchaux, Preuoſts, & autres nos Iuſticiers & officiers, ou leurs lieu-tenants preſents & a venir, & a chacun d'eux comme a luy apartiendra, Que de nos preſentes grace, congé, licence & permiſsion, & de tout le contenu en ceſdites preſentes, ils facent, ſouffrent & laiſſent leſdits ſubiects & habitants dudit royaume d'Eſcoſſe iouyr & vſer plainement & paciblement. Ceſſants & faiſants ceſſer tous troubles & empeſchements au contraire: Car tel eſt noſtre plaiſir. Nonobſtant que la valeur de ladite finance ne ſoit icy ſpecifiée ny declarée, Que tels dons n'ayons accouſtumé faire que pour la moitié ou le tiers, Les ordonnances par nous & nos predeceſſeurs faictes ſur l'ordre & diſtribution de nos finances, Et meſmes celle du mois de Decembre dernier, par laquelle il eſt dit, que tous dons, bien faicts et recompenſes, ſeront payez par le threſorier de noſtre eſpargne: A quoy nous auons de noſtre plaine puiſſance et authorité royale derogé & derogeons, & aux derogatoires y contenues, par les preſentes: Et a quelconques autres ordonnances, reſtrictions, mandements et defenſes, a ce contraires. Et pour ce que de ces preſentes l'on pourra auoir affaire en pluſieurs et diuers lieux, nous voulons qu'au vidimus d'icelles, faict ſoubs ſeel royal, ou deuëment collationé par l'vn de nos amez et feaux notaires et ſecretaires, foy ſoit adiouſtée, comme a ce preſent original. Auquel, a fin, que ce ſoit choſe ferme et ſtable a touſiours, nous auons faict mettre et appoſer noſtre ſeel: Sauf en autres choſes, noſtre droict, et l'autruy en toutes. Donné a Viliers couſterez, au mois de Iuin, l'an de grace, mil cinq cents cinquante & huict. Et de noſtre regne le douziéſme.*

The quhilk day the Queenis Grace, and haill three Eſtaites of Parliament, gaue ſpeciall command, all in ane voyce, but diſcrepance, to Maiſter *Iames Mackgill* of *Rankelour-Nether*, Clerk of Regiſter, to giue the authentick copies to all deſirers of the act, anent the Naturalization of *Scotteſ-men* in *France*, And of *French-men* in *Scotland*.

FINIS.

THE

THE NINTH PARLIAMENT, OF MARIE QVEENE of Scotland, Halden at Edinburgh, the fourth day of *Iunij*, the zeir of God, ane thousand, fiue hundreth, three score three *zeires*.

67 *The act of Oblivion.*



OVR SOVERAINE LADIE, of the great affection and loue, that her grace bearis toward her ſubjectes, and for conſervation and conteining of them, and everie ane of them, in ſincere amitie, and mutuall loue: And for eſchewing of all plead, diſcorde, action, queſtion, querrell, or debate, that may hereafter, or micht in time by-gane ariſe, or to bee moved be either of them, againſt vthers, for onie cauſe or occaſion done, or committed be onie of them, to, or againſt vthers, during the time of the late troubles in her Majeſties abſence, or for onie cauſe that her Grace may haue, or mooue againſt them, for the tranſgreſſion of the Lawes of her Hieneſſe Realme, or onie vthers received within the ſamin, ſen, and fra the ſext day of *March*, in the zeir of God, ane thouſand, fiue hundreth, fiftie aucht zeires, vnto the firſt day of *September, excluſiuè*, the zeir of God, ane thouſand, fiue hundreth, three ſcore ane zeires: And for ane commoun peace, vnion, reconciliation, and quietneſſe, to be perpetuallie obſerved be the haill Lieges and inhabitants of this Realme, ſwa that they may at their vttermaiſt power, with ane vniformitie of minde, obey and ſerue her Majeſtie in all ſortes, as becummis maiſt humble and faithfulll ſubjectes, to the glorie of

laquelle, a quelque ſomme, valeur, & eſtimation qu'elle ſoit & ſe puiſſe monter, nous les auons, en conſideration de ce que deſſus, quitez & deſchargez, quitons et deſchargeons, & d'icelle, en faueur de noſtredit fils & de noſtredite fille, faict & faiſons don par ces preſentes ſigneés de noſtre main. A la charge, que ſi pour raiſon deſdits benefices ſe meut procés, ils ne ſeront tirer ny conuenir aucuns de nos ſubiects ſi non par deuant ceux de nos Iudges auſquels la cognoiſſance en appartiendra. Si donnons en mandement par ces meſmes preſentes, a nos amez & feaux, les gens tenants nos cours de Parlement, grand conſeil, & de nos comptes a Paris, *& a tous nos Baillifs, Seneſchaux, Preuoſts, & autres nos Iuſticiers & officiers, ou leurs lieu tenants, preſents & a venir, & a chacun d'eux comme a luy apartiendra, Que de nos preſentes grace, congé, licence & permiſsion, & de tout le contenu en ceſdites preſentes, ils facent, ſouffrent & laiſſent leſdits ſubiects & habitants dudit royaume d'Eſcoſſe iouyr & vſer plainement & paciblement. Ceſſants & faſſants ceſſer tous troubles & empeſchements au contraire: Car tel eſt noſtre plaiſir. Nonobſtant que la valeur de ladite finance ne ſoit icy ſpecifiée ny declarée, Que tels dons n'ayons accouſtumé faire que pour la moitié ou le tiers, Les ordonnances par nous & nos predeceſſeurs faictes ſur l'ordre & diſtribution de nos finances, Et meſmes celle du mois de Decembre dernier, par laquelle il eſt dit, que tous dons, bien faicts et recompenſes, ſeront payez par le threſorier de noſtre eſpargne: A quoy nous auons de noſtre plaine puiſſance et authorité royale derogé & derogeons, & aux derogatoires y contenues, par les preſentes: Et a quelconques autres ordonnances, reſtrictions, mandements et defenſes, a ce contraires. Et pour ce que de ces preſentes l'on pourra auoir affaire en pluſieurs et diuers lieux, nous voulons qu'au vidimus d'icelles, faict ſoubs ſeel royal, ou deuëment collationé par l'vn de nos amez et feaux notaires et ſecretaires, foy ſoit adiouſtée, comme a ce preſent original. Auquel, a fin, que ce ſoit choſe ferme et ſtable a touſiours, nous auons faict mettre et appoſer noſtre ſeel: Sauf en autres choſes, noſtre droict, & l'autruy en toutes. Donné a Viliers couſterez, au, mois de Iuin, l'an de grace, mil cinq cents cinquante & huict. Et de noſtre regne le douziéſme.*

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FINIS.

THE

THE NINTH PARLIAMENT, OF MARIE QVEENE of Scotland, Halden at Edinburgh, the fourth day of *Iunij*, the zeir of God, ane thousand, fiue hundreth, three score three *zeires.*

67 The act of Oblivion.



OVR SOVERAINE LADIE, of the great affection and loue, that her grace bearis toward her subjectes, and for conservation and conteining of them, and everie ane of them, in sincere amitie, and mutuall loue: And for eschewing of all plead, discorde, action, question, querrell, or debate, that may hereafter, or micht in time by-gane arise, or to bee moved be either of them, against vthers, for onie cause or occasion done, or committed be onie of them, to, or against vthers, during the time of the late troubles in her Majesties absence, or for onie cause that her Grace may haue, or mooue against them, for the transgression of the Lawes of her Hienesse Realme, or onie vthers received within the samin, sen, and fra the sext day of *March*, in the zeir of God, ane thousand, fiue hundreth, fiftie aucht zeires, vnto the first day of *September, exclusiue*, the zeir of God, ane thousand, fiue hundreth, three score ane zeires: And for ane commoun peace, vnion, reconciliation, and quietnesse, to be perpetuallie obserued be the haill Lieges and inhabitants of this Realme, swa that they may at their vttermaist power, with ane vniformitie of minde, obey and serue her Majestie in all sortes, as becummis maist humble and faithfulll subjectes, to the glorie of God

God, her Hienes contentment, & common wealth of her Natiue cuntrie: Be the aduiſe, Councel, & deliberation of her grace three Eſtaites, preſentlie conveened, hes found profitable & neceſſar for the gud gouernement and adminiſtration of the Realme, and commoun wealth thereof: That ane ſtatute, Lawe and ordinance of perpetuall Oblivion, be maid and eſtabliſhed: Like as her Hieneſſe be the aduiſe and conſent of the haill three Eſtaites of her Majeſties Realme, conveened in this preſent Parliament, makis and eſtabliſhis ane Lawe of Oblivion.

THAT All deede, occaſion, counſell, and pretence of quhatſum-ever weicht, or qualitie, that may be alleaged, or appeare to haue bene done, maid, given, pretended or aſſiſted to, be quhat-ſum-euer perſon or perſones her Majeſtes ſubjectes & lieges of quhat-ſum-euer qualitie, ſtate, or condition they bee of, contrair the Lawes of this Realme, ſtatutes, ordinances, conſtitutiones thereof, for quhatſumever vther Lawes, received or vſed in the ſamin, in onie times by-gane, to quhat-ſum-euer effect, ſen, and fra the ſaid ſext daye of *March*, the zeir of God, ane thouſand, fiue hundreth, fiftie aucht zeires, to the ſaid firſt daye of *September*, *excluſiuè*, the zeir of God, ane thouſand, fiue hundreth, threeſcore ane zeires, and the memorie thereof with all actiones civill or criminall, that may reſult therethrow: To be expyred, buryed and extinct for euer: even as the ſame had never bene maid, done, counſelled, thocht, pretended, nor aſſiſted to, ſwa that they, nor their aires, nor ſucceſſoures may be indicted, perſewed, ſummoned, accuſed, followed, or conveened therefore civilie or criminallie, before her Hieneſſe, or her Graces Succeſſoures, nor three Eſtaites of Parliament, nor vther Iudge or judges criminall or Civill, Spirituall or Temporall quhatſum-euer, within this Realme, or out-with the ſamin, in onie time tocum be her Hieneſſe, her Gracis Succeſſoures, or their Advocates, nor be onie her Gracis ſubjectes, or onie vthers maner of perſones quhat-ſum-euer, diſchargeing expreſlie bee this preſent Law of Oblivion the Eſtates foreſaide, juſtice generall, his deputes: Lordes of the College of juſtice and Seſſion: All Schireffes, Stewardes, Baillies, alſweill of Regalities as Royalties: Proveſtes, Baillies and Councell of Burrowes: Legates, Archbiſhoppes, Biſhoppes, Abbottes, Commendatars, Prioures, and all vthers judges, Magiſtrates and Officiares of quhatſumeuer eſtaite, degree, or condition they be of, of onie indicting, arreiſting, ſummounding, accuſing, following, calling, perſewing, conveening, or proceeding, againſt quhat-ſum-euer perſon or perſones, her Hienes ſubjectes & lieges, of quhatſũeuer qualitie, eſtaite, degree, or cõdition they be of, for the premiſſes, or onie poynt thereof, or depending thereupon onie maner of way, and of their offices and juriſdiction there anent, for now and ever.

AND FVRDER, It ſall not be leiffull be Acte of Parliament, or vtherwaies hereafter, to make onie derogation of this preſent Lawe, ſtatute

ſtatute and ordinance of Oblivion, nor cum in the contrair of the ſamin, directlie, or indirectlie, without expreſſe adviſe and conſent of the haill perſones, and everie ane of them that hes or may pretend to haue entreſſe, priviledge, or favour, bee reaſon of this Law of Oblivion foreſaid.

OVR SOVERAINE LADIE, With adviſe of her three Eſtaites, being willed and minded, that na perſon nor perſones, ſubjectes of her Majeſties Realme, being vn-worthie of the priviledge and favour of the acte and ſtatute of the Law of Oblivion, haue, bruik, ioyis, nor vſe the priviledge thereof, for ſik tranſgreſſion, deede, or attemptate, done, or committed be them, or onie of them, fra the ſext day of *March*, the zeir of GOD, ane thouſand, fiue hundreth, fiftie aucht zeires, to the firſt daye of *September*, the zeir of GOD, ane thouſande, fiue hundreth, threeſcore ane zeires. Hes ſtatute and ordained, and bee thir preſentis, ſtatutis and ordainis, that letters be direct, publiſhed, and proclaimed at all the head Burrowes of this Realme, alſweil within Regalities, as Royalties: Commanding and chargeing all and ſindrie, OVR ſaide SOVERAINE LADIES Lieges, of quhatſumeuer degree, eſtaite, or qualitie they be of, havand or pretendand to haue action, outher criminall, or civill, for onie deede, cauſe, or occaſion, done, committed, or aſſiſted to, fra the foirſaid ſext daye of *March*, the zeir of God, and thouſand, ſiue hundreth, fiftie aucht zeires, to the firſt day of *September*, the zeir of GOD, ane thouſand, fiue hundreth, threeſcore ane zeires, that they and everie ane of them, intent and perſew the action, quhilk they pretend to haue, alſweill for recovering, as for reduction of decreetes, els given vpon deedes done within the time foreſaid, before the judges Ordinar and competent: And gif the partie perſewed be him ſelfe, or his procuratoures, will, or may alleage, that the perſewer ſuld not be heard, in reſpect of the Law of Oblivion foirſaid: Then, and in that caſe, the judge civill ſall ceaſe of further proceeding in that cauſe, and the parties defender and perſewer, ſall cum to the Lordes and perſones vnder-written: That is to ſaye, Noble and michtie Lords, IAMES, Duke of *Chaſtel-Heraud*, Lord *Hammilton* &c. ARCHIBALDE, Earle of *Ergyle*, Lord *Campbell* and *Lorne*, juſtice Generall &c. IAMES, Earle of *Murray*, Lorde *Abernethy* and *Strathnarne*. IAMES, Earle of *Mortoun*, Lorde *Dalkeith*, Chancellar &c. WILLIAM, Earle *Marchell*, Lorde *Keith* &c. ALEXANDER, Earle of *Glencarne*, Lorde *Kilmawris* &c. IOHN, Lorde *Erſkin*: PATRICK, Lorde *Ruthwen*. Ane Reverend Father in GOD, HENRIE, Biſhoppe of *Roſſe*, Preſident of the College of juſtice and Seſſion: Ane venerable Father in GOD, MARK, Commendatar of the Abbay of *New-bottle*: Schir RICHARD MAITLAND, of *Lethingtoun*, Knight, Keiper of the privie Seale: Maiſter IAMES MACKGILL of *Rankelour* Nether, Clerke of Regiſter: Schir

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God, her Hienes contentment, & common wealth of her Natiue cuntrie: Be the aduiſe, Councel, & deliberation of her grace three Eſtaites, preſentlie conveened, hes found profitable & neceſſar for the gud gouernement and adminiſtration of the Realme, and commoun wealth thereof: That ane ſtatute, Lawe and ordinance of perpetuall Oblivion, be maid and eſtabliſhed: Like as her Hieneſſe be the aduiſe and conſent of the haill three Eſtaites of her Majeſties Realme, conveened in this preſent Parliament, makis and eſtabliſhis ane Lawe of Oblivion.

THAT All deede, occaſion, counſell, and pretence of quhatſum-ever weicht, or qualitie, that may be alleaged, or appeare to haue bene done, maid, given, pretended or aſſiſted to, be quhat-ſum-euer perſon or perſones her Majeſtes ſubjectes & lieges of quhat-ſum-euer qualitie, ſtate, or condition they bee of, contrair the Lawes of this Realme, ſtatutes, ordinances, conſtitutiones thereof, for quhatſumever vther Lawes, receiued or vſed in the ſamin, in onie times by-gane, to quhat-ſum-euer effect, ſen, and fra the ſaid ſext daye of *March*, the zeir of God, ane thouſand, fiue hundreth, fiftie aucht zeires, to the ſaid firſt daye of *September*, *excluſiuè*, the zeir of God, ane thouſand, fiue hundreth, threeſcore ane zeires, and the memorie thereof with all actiones civill or criminall, that may reſult therethrow: To be expyred, buryed and extinct for euer: even as the ſame had never bene maid, done, counſelled, thocht, pretended, nor aſſiſted to, ſwa that they, nor their aires, nor ſucceſſoures may be indicted, perſewed, ſummoned, accuſed, followed, or conveened therefore civilie or criminallie, before her Hieneſſe, or her Graces Succeſſoures, nor three Eſtaites of Parliament, nor vther Iudge or judges criminall or Civill, Spirituall or Temporall quhatſum-euer, within this Realme, or out-with the ſamin, in onie time to-cum be her Hieneſſe, her Gracis Succeſſoures, or their Advocates, nor be onie her Gracis ſubjectes, or onie vthers maner of perſones quhat-ſum-euer, diſchargeing expreſlie bee this preſent Law of Oblivion the Eſtates foreſaide, juſtice generall, his deputes: Lordes of the College of juſtice and Seſſion: All Schireffes, Stewardes, Baillies, alſweill of Regalities as Royalties: Proveſtes, Baillies and Councell of Burrowes: Legates, Archbiſhoppes, Biſhoppes, Abbottes, Commendatars, Prioures, and all vthers judges, Magiſtrates and Officiares of quhatſumeuer eſtaite, degree, or condition they be of, of onie indicting, arreiſting, ſummounding, accuſing, following, calling, perſewing, conveening, or proceeding, againſt quhat-ſum-euer perſon or perſones, her Hienes ſubjectes & lieges, of quhatſũeuer qualitie, eſtaite, degree, or cõdition they be of, for the premiſſes, or onie poynt thereof, or depending thereupon onie maner of way, and of their offices and juriſdiction there anent, for now and ever.

AND FVRDER, It ſall not be leiffull be Acte of Parliament, or vtherwaies hereafter, to make onie derogation of this preſent Lawe, ſtatute

ſtatute and ordinance of Oblivion, nor cum in the contrair of the ſamin, directlie, or indirectlie, without expreſſe adviſe and conſent of the haill perſones, and everie ane of them that hes or may pretend to haue entreſſe, priviledge, or favour, bee reaſon of this Law of Oblivion foreſaid.

OVR SOVERAINE LADIE, With adviſe of her three Eſtaites, being willed and minded, that na perſon nor perſones, ſubjectes of her Majeſties Realme, being vn-worthie of the priviledge and favour of the acte and ſtatute of the Law of Oblivion, haue, bruik, ioyis, nor vſe the priviledge thereof, for ſik tranſgreſſion, deede, or attemptate, done, or committed be them, or onie of them, fra the ſext day of *March*, the zeir of GOD, ane thouſand, fiue hundreth, fiftie aucht zeires, to the firſt daye of *September*, the zeir of GOD, ane thouſande, fiue hundreth, threeſcore ane zeires. Hes ſtatute and ordained, and bee thir preſentis, ſtatutis and ordainis, that letters be direct, publiſhed, and proclaimed at all the head Burrowes of this Realme, alſweil within Regalities, as Royalties: Commanding and chargeing all and ſindrie, OVR ſaide SOVERAINE LADIES Lieges, of quhatſumeuer degree, eſtaite, or qualitie they be of, havand or pretendand to haue action, outher criminall, or civill, for onie deede, cauſe, or occaſion, done, committed, or aſſiſted to, fra the foirſaid ſext daye of *March*, the zeir of God, and thouſand, ſiue hundreth, fiftie aucht zeires, to the firſt day of *September*, the zeir of GOD, ane thouſand, fiue hundreth, threeſcore ane zeires, that they and everie ane of them, intent and perſew the action, quhilk they pretend to haue, alſweill for recovering, as for reduction of decreetes, els given vpon deedes done within the time foreſaid, before the judges Ordinar and competent: And gif the partie perſewed be him ſelfe, or his procuratoures, will, or may alleage, that the perſewer ſuld not be heard, in reſpect of the Law of Oblivion foirſaid: Then, and in that caſe, the judge civill ſall ceaſe of further proceeding in that cauſe, and the parties defender and perſewer, ſall cum to the Lordes and perſones vnder-written: That is to ſaye, Noble and michtie Lords, IAMES, Duke of *Chaſtel-Heraud*, Lord *Hammilton* &c. ARCHIBALDE, Earle of *Ergyle*, Lord *Campbell* and *Lorne*, juſtice Generall &c. IAMES, Earle of *Murray*, Lorde *Abernethy* and *Strathnarne*. IAMES, Earle of *Mortoun*, Lorde *Dalkeith*, Chancellar &c. WILLIAM, Earle *Marchell*, Lorde *Keith* &c. ALEXANDER, Earle of *Glencarne*, Lorde *Kilmawris* &c. IOHN, Lorde *Erſkin*: PATRICK, Lorde *Ruthwen*. Ane Reverend Father in GOD, HENRIE, Biſhoppe of *Roſſe*, Preſident of the College of juſtice and Seſſion: Ane venerable Father in GOD, MARK, Commendatar of the Abbay of *New-bottle*: Schir RICHARD MAITLAND, of *Lethingtoun*, Knight, Keiper of the privie Seale: Maiſter IAMES MACKGILL of *Rankelour* Nether, Clerke of Regiſter: Schir

IOHN

IOHN BELLENDEN, of *Auchinnowll* Knight, iuſtice Clerke, WILLIAM MAITLANDE, of *Lethingtoun* zounger, Secretar: M. ROBERT RICHARDSON, Commendatar of Saint-*Marie-Ile*, Theſaurer: Schir IOHN WISCART of *Pittarro* Knight, Comptroller: Maiſter IOHN SPENSE of *Condie*, Aduocate to OVR SOVERAINE LADIE, Maiſter THOMAS MAKCALZIEANE, Commiſſioner for the Burgh of *Edinburgh*: Maiſter IAMES HALIBVRNTON, Tutour of *Petcur*, Proveſt of *Dundie*: And IOHN ERSKIN of *Dun*, Proveſt of *Montroſe*: And gif in their ſupplicatione to the haill Lordes fore-ſaid, gif they chance to be preſent togidder, and failzieing thereof, to the ſaidis Chancellar, Preſident, Clerke of Regiſter, or Advocate, within this Burgh of *Edinburgh*, bearand the tenour of the perſute and allegeance of the Law of Oblivion, for the defender or perſewer for reduction: And the ſaidis Lordes, or onie ſex of them, three of the ſaidis Earles or Lordes alwaies being of the ſaide number: Quha ſall giue their declaration vpon the ſaide exception proponed civilie, and put the ſamin in writ, in the Regiſter, quhidder the defender or perſewer to reduce bee worthie, and ſulde bruik, ioyis, and haue the privilodge of the ſaid Law: And as they declair the ſamin to be obſerved, *Videlicet*, Gif they be not worthie, the Lawe to bee na ſufficiente exception to them, and the judges, quhom before the ſaidis exceptiones ſall happen to be proponed, ſall incontinent thereafter proceede, according to the declaration of the ſaidis Lordes, to be ſchawen to them, extract and drawen foorth of the Regiſter, authenticklie ſubſcrived be the Clerke of Regiſter, or his deputes, and na vtherwaies, and do juſtice to the ſaids perſewers or defenders, and admit or repell the ſaid exception, or admit proteſtations, as the Law requiris.

AND SICK-LIKE, Gif onie perſon or perſones, callis or perſewis vthers criminallie, or intendis to doe the ſamin, for onie crime done within the time foreſaide, the partie quha is charged to vnderlie the Lawe, findand ſovertie, ſall cum with the copie of letters or ſummoundes, quhair-by he is charged to ſchaw the ſamin to the ſaidis Lordes, or onie ſex of them: Three of the ſaidis Earles or Lordes being of them: Quha ſall declair quhidder the partie defendar, be worthie of the ſaid Law or not: And as they declair, the juſtice to proceede, or to deſiſt fra proceeding, as the ordinance to be maid and given there-upon be the ſaidis Lordes ſall beare, ſubſcrived, as is before ſpecified: And in-caſe of in-laik, of onie of the number of the ſaidis Lordes, choſen to the effect foreſaide, within the ſpace vnder-written: It ſalbe leaſum to the remanent, then being on liue, to elect and chuſe ſa monie vthers in their places, quha ſall declare the ſaid Lawe, in maner foreſaid, within the time and ſpace within rehearſed.

PROVIDING Alwaies, that quhat-ſum-euer of OVR SOVE-

VERAINE LADIES Lieges, had, hes, or pretendis ony action criminallie or civilie, or reduction of decreetes els given in maner foresaid, quhairof the deide was done, committed or assisted to, fra the foresaid sext day of *March*, the zeir of God, ane thousand, fiue hundreth, fiftie aucht zeires, to the said first daye of *September*, the zeir of GOD, ane thousand, fiue hundreth, three-scoir ane zeires, that they intent and persew the samin before the justice, his Deputes, the Iudges Ordinares, alsweill in Regalitie, as Royaltie, betuixt this and the first day of *August*, the zeir of GOD, ane thousand, fiue hundreth, three-score foure zeires: Declairand be thir presentes, that quha that persewis not within the saide space, they, their aires, executoures or assignayes, sal never be heard to persew the same, or haue action there to against them, quha will alleage the foresaid Law of Oblivion:

NOT-WITH-STANDING, Quhat-sum-euer jurisdiction, priviledges, Lawes, or constitutiones, quhilkis the saidis persones, or onie of them had, hes, or may pretend or acclaime, is granted be OVR said SOVERAINE LADIE, Her Grace Predecessoures, or vther judge or judges quhatsumeuer. AND SICK-LIKE Ordainis this declaration against minores, or vthers quhatsumever, that may pretend priviledge of na prescription be the Lawes of this realme, or vther quhatsumeyer Lawes, that they make persute to their saidis actiones, within the space and time foresaid: *Videlicet*, the saidis Minors with advise of their Tutoures or Curatoures.

PROVIDING Alswa in likewise, that in-case the saidis Minors be hurte be negligence of their saidis Tutoures and Curatoures in their saidis actiones, quhilkis they had, or pretendis to haue, for quhat-sum-ever deede, cause, or action, done or committed, during the space foresaid, that the saidis Tutoures and Curatoures, salbe halden to answere for the damnage and skaith susteined, and to be susteined be the saidis Minors there-throw, and they to haue sufficient action against them, for recovering thereof, as done in their default and negligence, and sall haue na action against the principall person, committer of the said deede, at onie time hereafter. And vthers persones, that may pretend priviledge in maner foresaid, never to haue action in likewise in time cumming.

68 *Anent cruves and zaires.*

THE Queenis Majestie, and the three Estaites of this present Parliament, ratifies and apprievis the acte maid be her Hienes maist Noble Gud-schir, King IAMES the Fourth of gud memorie, of the quhilk the tenour followis. ITEM, It is statute & ordained, that al cruves & fish dammes that ar within Salt waters that ebbis and flowes, be alluterlie destroyed and put downe, alswell, they that perteinis to our Soverain Lord, as vthers throw al the realme.

And

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NOT-WITH-STANDING, Quhat-sum-euer jurisdiction, priviledges, Lawes, or constitutiones, quhilkis the saidis persones, or onie of them had, hes, or may pretend or acclaime, as granted be OVR said SOVERAINE LADIE, Her Grace Predecessoures, or vther judge or judges quhatsumeuer. AND SICK-LIKE Ordainis this declaration against minores, or vthers quhatsumever, that may pretend priviledge of na prescription be the Lawes of this realme, or vther quhatsumever Lawes, that they make persute to their saidis actiones, within the space and time foresaid: *Videlicet*, the saidis Minors with advise of their Tutoures or Curatoures.

PROVIDING Alswa in likewise, that in-case the saidis Minors be hurte be negligence of their saidis Tutoures and Curatoures in their saidis actiones, quhilkis they had, or pretendis to haue, for quhat-sum-ever deede, cause, or action, done or committed, during the space foresaid, that the saidis Tutoures and Curatoures, salbe halden to answere for the damnage and skaith susteined, and to be susteined be the saidis Minors there-throw, and they to haue sufficient action against them, for recovering thereof, as done in their default and negligence, and sall haue na action against the principall person, committer of the said deede, at onie time hereafter. And vthers persones, that may pretend priviledge in maner foresaid, never to haue action in likewise in time cumming.

68 *Anent cruves and zaires.*

THE Queenis Majestie, and the three Estaites of this present Parliament, ratifies and apprievis the acte maid be her Hienes maist Noble Gud-schir, King IAMES the Fourth of gud memorie, of the quhilk the tenour followis. ITEM, It is statute & ordained, that al cruves & fish dammes that ar within Salt waters that ebbis and flowes, be alluterlie destroyed and put downe, alswell, they that perteinis to our Soverain Lord, as vthers throw al the realme.

And

And anentis cruves in freſh waters, that they be maid in ſik largeneſſe, and ſik dayes keiped, as is conteined in the actes and ſtatutes maid thereupon of before, with this addition following: That is to ſay', that all cruves and zaires, that ar ſet of late vpon ſand, and ſchauldes, far within the water, quhair they were not of before, that they bee incontinente tane downe and put away, and the remanent cruves that ar ſet and put vpon the water ſandes, to ſtande ſtill quhill the firſt day of *October* nixt to-cum, and incontinent after the ſaid firſt day, to be deſtroyed and put away for euer. And for execution of this act, ordainis everie Erle, Lord, Barronne, and everie Gentle-man landed, within his awin boundes, to cauſe remoue, deſtroy, put downe, and take awaie the ſaidis cruves and zaires, in maner fore-ſaide, *reſpectiuè*, vnder the paine of ane hundreth poundes to bee taken vp of their gudes, that puttis not this act to dewe execution, and the ſaid ſumme to be in-brocht and applyed to our Soveraine Ladies vſe, and that everie Schireffe, Stewarde, Baillie, alſweill Regalitie as Royaltie, their deputes and vthers judges within their awin juriſdictiones, take gude attendence and ſee, that as is conteined in this preſent acte be done, and put to execution in all poyntes, according to the tenour of the ſamin: And failzieing thereof, that euerie Schireffe, Steward, Baillies, alſweill of Regalities, as Royalties, and vther judges, within their awin juriſdiction, as ſaide is, vp-take and in-bring the ſaide paine of ane hundreth poundes of everie Earle, Lorde, Barronne, Gentle-man landed, or vthers negligent in the premiſſes, and make compt thereof zeirlie in the Checker: And gif the ſaidis Schireffes, Stewards, Baillies of Regalities or Royalties, beis foundin negligent in execution of their offices, anent this acte, that the fore-ſaid ſumme be vp-lifted of them-ſelues, and in-brocht to our Soveraine Ladies vſe, and that but prejudice of the paines to be execute vpon the foreſaidis Earle, Lorde, Barronne, Gentle-man, or vther contraveners of the foreſaid acte: Providing alwaies, that this acte on na-waies be extended to the cruves and zaires being vpon the water of *Solway*

69 *Anentis the carying and having of gold and ſilver furth of the Realme.*

ITEM, The Queenis Majeſtie, with the adviſe of the three Eſtaites in this preſent Parliament, hes ratified and apprieved, and ratifies and apprievis all Actes maid of before be her Hieneſſe Predeceſſoures, anentis the carying and away taking of Gold and ſilver foorth of this Realme in all poyntes, with this addition: That na maner of perſon nor perſones, pretend or take vpon hand to take away or cary foorth of this Realme, onie golde or ſilver, in onie time hereafter, vnder the paine of eſcheitting of the ſamin, and of all the remanent of their moveable gudes that dois in the contrair, and for obſerving hereof, and tryall to be had thereupon. SICK-LIKE Ordainis, that quhat-ſum-euer perſon or perſones that will cum, reveale and ſchaw the ſamin, and giue vp their

their names, that offendis this Law and act, that perſon or perſones, ſall haue the fourth parte of the ſaid golde and ſilver, and remanent of their moveable gudes, the ſamin being tryed be their revealing. And in caſe the revealer be partener of the away-taking, & carying of the ſaid gold and ſilver foorth of this Realme: In that caſe, he ſalbe free of all paines, dangers and perrell that he may in-cur be this act: And ſall haue for his reward, as is before rehearſed, like as he had bene na partener thereof: And this acte for the ſpace of fiue zeires to in-dure: Providing that all Merchandes and vthers, paſſand foorth of this Realme, according to the Lawes of the ſamin, may haue ſa-meikle golde and ſilver allanerlie, as may be their neceſſar expenſes, quhill they cum to the partes bezond Sea, quhair they haue their neceſſar buſineſſe ado.

70 Anentis the hame bringing of falſe cuinzie, and vſing of the ſamin within this Realme: And als anentis forgers and makers thereof within the ſamin.

ITEM, Our Soveraine Ladie, with adviſe of the three Eſtaites in this preſent Parliament, hes ratified and apprieved, and ratifies and aprieuis all actes maid of before, touching the hame-bringing of falſe cuinzie of gold or ſilver, layed money, or vther money quhatſumeuer within this Realme: And ſik-like, anentis the makers, forgers of falſe cuinzie within the ſamin, with this addition following: That quhatſum-ever perſon or perſones that will cum, reveale, and declare the names of the hame-bringers of ſik-like falſe cuinzie, outher of golde or ſilver, or vther layed money, or of the makers, forgers and feinziers thereof within this Realme, that that perſon or perſones ſall haue that ane halfe of the eſcheit of al his lands and guds moveable and vnmoveable, of the ſaid perſon or perſones, offenders of this preſent act & Law, the ſamin being tryed be his revealing: And for the ſcharpe execution hereof, that gude attendance be given be the Searchoures and vthers Officiares throw all the Realme: And that the Conſervatour in *Flanders* in likewiſe be advertiſed to make knawledge be had, gif onie ſik falſe cuinzie cummis furth of thay partes to this Realme.

71 Anentis the making of ſalt within this Realme.

ITEM, Becauſe the Queenis Majeſtie, hes be her prudencie and moyen, brocht certaine ſtrangers of excellent ingine within this Realme, quha hes accorded to labour, diſcover, and manifeſt ane new maner of making of ſalt, different from the faſhion vſed of before within the ſamin: Quhilk invention is thocht to be verie profitable for the haill inhabitants of this Realme, and interteining of the trafficque of Merchandice: Therefore it is ſtatute and ordained be her Majeſtie, with adviſe of the three Eſtaites of Parliament, that nane of her hieneſſe ſubjectes tak vpon hand, for the ſpace of fiftie zeires nixt & immediatlie following hereafter, to make, or cauſe be maid ony Salt of the newe faſhion, & maner invented, or to be vſed be the ſaids ſtrangers, different from the faſhion now, and of before vſed within this realm with-out

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And anentis cruves in freſh waters, that they be maid in ſik largeneſſe, and ſik dayes keiped, as is conteined in the actes and ſtatutes maid thereupon of before, with this addition following: That is to ſay', that all cruves and zaires, that ar ſet of late vpon ſand, and ſchauldes, far within the water, quhair they were not of before, that they bee incontinente tane downe and put away, and the remanent cruves that ar ſet and put vpon the water ſandes, to ſtande ſtill quhill the firſt day of *October* nixt to-cum, and incontinent after the ſaid firſt day, to be deſtroyed and put away for euer. And for execution of this act, ordainis everie Erle, Lord, Barronne, and everie Gentle-man landed, within his awin boundes, to cauſe remoue, deſtroy, put downe, and take awaie the ſaidis cruves and zaires, in maner fore-ſaide, *reſpectiue*, vnder the paine of ane hundreth poundes to bee taken vp of their gudes, that puttis not this act to dewe execution, and the ſaid ſumme to be in-brocht and applyed to our Soveraine Ladies vſe, and that everie Schireffe, Stewarde, Baillie, alſweill Regalitie as Royaltie, their deputes and vthers judges within their awin juriſdictiones, take gude attendence and ſee, that as is conteined in this preſent acte be done, and put to execution in all poyntes, according to the tenour of the ſamin: And failzieing thereof, that euerie Schireffe, Steward, Baillies, alſweill of Regalities, as Royalties, and vther judges, within their awin juriſdiction, as ſaide is, vp-take and in-bring the ſaide paine of ane hundreth poundes of everie Earle, Lorde, Barronne, Gentle-man landed, or vthers negligent in the premiſſes, and make compt thereof zeirlie in the Checker: And gif the ſaidis Schireffes, Stewards, Baillies of Regalities or Royalties, beis foundin negligent in execution of their offices, anent this acte, that the fore-ſaid ſumme be vp-lifted of them-ſelues, and in-brocht to our Soveraine Ladies vſe, and that but prejudice of the paines to be execute vpon the foreſaidis Earle, Lorde, Barronne, Gentle-man, or vther contraveners of the foreſaid acte: Providing alwaies, that this acte on na-waies be extended to the cruves and zaires being vpon the water of *Solway*

69 *Anentis the carying and having of gold and ſilver furth of the Realme.*

ITEM, The Queenis Majeſtie, with the adviſe of the three Eſtaites in this preſent Parliament, hes ratified and apprieved, and ratifies and apprievis all Actes maid of before be her Hieneſſe Predeceſſoures, anentis the carying and away taking of Gold and ſilver foorth of this Realme in all poyntes, with this addition: That na maner of perſon nor perſones, pretend or take vpon hand to take away or cary foorth of this Realme, onie golde or ſilver, in onie time hereafter, vnder the paine of eſcheitting of the ſamin, and of all the remanent of their moveable gudes that dois in the contrair, and for obſerving hereof, and tryall to be had thereupon. SICK-LIKE Ordainis, that quhat-ſum-euer perſon or perſones that will cum, reveale and ſchaw the ſamin, and giue vp their

their names, that offendis this Law and act, that perſon or perſones, ſall haue the fourth parte of the ſaid golde and ſilver, and remanent of their moveable gudes, the ſamin being tryed be their revealing. And in caſe the revealer be parteuer of the away-taking, & carying of the ſaid gold and ſilver foorth of this Realme: In that caſe, he ſalbe free of all paines, dangers and perrell that he may incur be this act: And ſall haue for his reward, as is before rehearſed, like as he had bene na partener thereof: And this acte for the ſpace of fiue zeires to indure: Providing that all Merchandes and vthers, paſſand foorth of this Realme, according to the Lawes of the ſamin, may haue ſa-meikle golde and ſilver allanerlie, as may be their neceſſar expenſes, quhill they cum to the partes bezond Sea, quhair they haue their neceſſar buſineſſe ado.

70 Anentis the hame bringing of falſe cuinzie, and vſing of the ſamin within this Realme: And als anentis forgers and makers thereof within the ſamin.

ITEM, Our Soveraine Ladie, with adviſe of the three Eſtaites in this preſent Parliament, hes ratified and approved, and ratifies and approuis all actes maid of before, touching the hame-bringing of falſe cuinzie of gold or ſilver, layed money, or vther money quhatſumeuer within this Realme: And ſik-like, anentis the makers, forgers of falſe cuinzie within the ſamin, with this addition following: That quhatſum-ever perſon or perſones that will cum, reveale, and declare the names of the hame-bringers of ſik-like falſe cuinzie, outher of golde or ſilver, or vther layed money, or of the makers, forgers and feinziers thereof within this Realme, that that perſon or perſones ſall haue that ane halfe of the eſcheit of al his lands and guds moveable and vnmoveable, of the ſaid perſon or perſones, offenders of this preſent act & Law, the ſamin being tryed be his revealing: And for the ſcharpe execution hereof, that gude attendance be given be the Searchoures and vthers Officiares throw all the Realme: And that the Conſervatour in *Flanders* in likewiſe be adverti ſed to make knawledge be had, gif onie ſik falſe cuinzie cummis furth of thay partes to this Realme.

71 Anentis the making of ſalt within this Realme.

ITEM, Becauſe the Queenis Majeſtie, hes be her prudencie and moyen, brocht certaine ſtrangers of excellent ingine within this Realme, quha hes accorded to labour, diſcover, and manifeſt ane new maner of making of ſalt, different from the faſhion vſed of before within the ſamin: Quhilk invention is thocht to be verie profitable for the haill inhabitants of this Realme, and interteining of the trafficque of Merchandice: Therefore it is ſtatute and ordained be her Majeſtie, with adviſe of the three Eſtaites of Parliament, that nane of her hieneſſe ſubjectes tak vpon hand, for the ſpace of fiftie zeires nixt & immediatlie following hereafter, to make, or cauſe be maid ony Salt of the newe faſhion, & maner invented, or to be vſed be the ſaids ſtrangers, different from the faſhion now, and of before vſed within this realm with out

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ſpeciall licence had and obteined of her Hieneſſe and Succeſſoures there-upon, vnder the paine of death, and confiſcation of the landes, ground and houſes, quhair the ſaide ſalt ſall happen to be maid, and the ſaidis fiftie zeires being by-paſt, gif it happenis ony perſon or perſones, to make ſalt, or cauſe ſalt to be maid, according to the ſaid new faſhion, and different from the faſhion now vſed: That that perſon or perſons, ſall pay ſa-meikle as the ſaidis ſtrangers ſulde pay for everie hundreth bolles, compt and fiue ſcoir bolles allanerly in this caſe for the hundreth, during the ſaid ſpace of fiftie zeires, or onie parte thereof: That is to ſay, ſeven bolles and ane halfe to the Queenis Grace Majeſtie, and ane boll to the Conſervatour, to be depute for keiping of the ſalt that beis maid in maner foreſaid.

72 *Gleibes and manſes may not be ſet in few or lang tackes: The manſe perteinis to the Miniſter.*

ITEM, Becauſe it is vnderſtandin to our Soveraine Ladie, and three Eſtaites of this Realme, that the perſones, Vicars, and vthers Kirkmen within the ſamin, hes ſet in few or lang tackes ane great part of their manſes and gleibes, quhair-throw there is na ſufficient dwelling place for them that ſervis, and ſuld ſerue and miniſter at the Kirkes, to remaine thereat, for the inſtruction of the Parochiners: For remeid hereof, it is ſtatute and ordained be our ſaid Soveraine Ladie, with the adviſe of the Eſtaites foreſaid, that na Perſon, Vicar, nor vther Eccleſiaſticall perſon, ſet in few, or lang tackes, onie of their manſes or gleibes, perteining to the ſaidis Kirkes, without ſpeciall licence and conſent of the Q. Grace in writ. And alſwa it is ſtatute & ordaned, that they that ar appoynted or to be appoynted to ſerue & miniſter at ony Kirk in this realm, haue the principal Manſe of the Perſon or vicar, or ſameikle therof, as ſalbe ſũdin ſufficient for ſtaiking of thẽ: to the effect that they may the better await vpon the charge appointed & to be appoynted vnto them, quhidder the ſaidis gleibes be ſet in few or tack of before or not: Or that ane reaſonable and ſufficient houſe be bigged to them beſide the Kirk, be the Perſon or Vicar, or vthers havand the ſaidis Manſes in few or lang tackes: And this to be done betuixt and the firſt day of *November*, nixt-to-cum. And further, ſa-meikle land to be annexed to the ſaidis dwelling places of them that ſervis and miniſteris at the Kirk, as ſalbe hereafter with gud adviſement appoynted.

73 *Anentis Witch-craftes*

ITEM, For-ſa-meikle as the Queenis Majeſtie and three Eſtaites in this preſent Parliament, being informed that the heavie and abhominable ſuperſtition vſed be diverſe of the lieges of this Realme, be vſing of Witch-craftes, Sorcerie and Necromancie, and credence given thereto in times by-gane, againſt the Law of God: And for avoyding and away-putting of all ſik vaine ſuperſtition in times to-cum: It is ſta-

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tute and ordained be the Queenis Majeſtie, and three Eſtaites foreſaidis that na maner of perſon nor perſones, of quhat-ſum-euer Eſtate, degree, or condition they be of, take vpon hand in onie times hereafter, to vſe onie maner of *Witch-craftes*, *Sorcerie* or *Necromancie*, nor giue them ſelues furth to haue onie ſik craft or knawledge theirof, their-throw abuſand the people: Nor that na perſoun ſeik onie helpe, reſponſe or conſultation at onie ſik vſers or abuſers foreſaidis of *Witch-craftes*, *Sorceries* or *Necromancie*, vnder the paine of death, alſweil to be execute againſt the vſer, abuſer, as the ſeiker of the reſponſe or conſultation. And this to bee put to execution be the Iuſtice, Schireffis, Stewards, Baillies, Lordes of Regalities and Royalties, their Deputes, and vthers ordinar Iudges competent within this Realme, with all rigour, hauing power to execute the ſamin.

74 Anents adulterie.

ITEM, Forſameikle as the abhominabill and filthie vice and cryme of adulterie, hes bene perniciouſly and wickedly vſed within this Realm in times bygane, be ſindrie lieges theirof, hauand na regaird to the commandementes of God, bot to their awin ſenſualitie and filthie luſtes and pleaſour theirof. And for eſchewing of the ſamin in times cumming: It is ſtatute and ordained be the Queenis Majeſtie, and three Eſtaites in Parliament, that all notour and manifeſt committers of adulterie in onie time to cum, after the dait hereof, ſalbe puniſhed with al rigour vnto the death, alſweill the woman as the man, doer and committer of the ſamin; after that dew monition be maid to abſtene fra the ſaid manifeſt and notour cryme. And for vther adulterie, that the Actes and Lawes maid theirvpon of before, be put to execution with all rigour. And als declaris, that this act on na wiſe ſall prejudge onie partie to perſew for divorcement, for the crymes of adulterie before committed, conforme to the Law.

75 Raiſing of bands of men of weir forbidden

IT Is ſtatute and ordained be the Queenis Majeſtie, and three Eſtates in Parliament, that na maner of perſon nor perſones, of quhatſumever qualitie, eſtate, condition or degree they be of, lieges of this Realme, attempt to do or raiſe onie bandes of men of weir on horſe or fute, with culverings, piſtoletts, pickes, ſpeires, Iackes, ſplents, ſteil-bonettes, quhite harnes, or vther munition bellicall quhat-ſum-euer, for daylie, oulklie, or monethlie waiges in onie times to cum, without ſpeciall licence in writ had, and obteined of OVR SOVERAINE LADIE and her ſucceſſours theirto, vnder the paine of death, to be execute vpon the raiſeris of the ſaidis bands, as alſwa vpon them, that convenis and ryſis in bands.

76 *Anentis the reparrelling and vphalding of paroche Kirkes and of Kirk-zairdes of the ſamin, for buriall of the dead.*

IT Is Statute and ordaned for vphalding and reparrelling of Paroche Kirkes and Kirk-zairdes of the ſamin, for buriall of the dead within this Realme, that the Lordes of ſecreit councell put ordour thereto, and adviſe and conſult how the ſamin ſall be done and vphalden in times to cum. And quhat-ſum-ever ordour that they ſall happen to take for reparrelling and vphalding of the ſaidis Kirkes and Kirk-zairdes thereof: The Queenis Majeſtie, with the adviſe of the three Eſtaites of this Realme in this preſent Parliament, hes declaired, & declairis, that quhat-ſum-euer ordour beis maid and ſet foorth be the ſaidis Lordis of ſecreit councell, and execution to be declaired be them therevpon, to be ſufficient, & of als greit ſtrenth and effect, as and the ſamin had bene expreſly conteined in this preſent act.

77 *Anent tennents, and vther lauchfull poſſeſſoures of Kirk-landes, and ſetting of fewes of the ſamin Kirk-landes for the ſpace of three zeires hereafter.*

THE Queenis grace hauand conſiddered the grieuous complaintes maid to her Hienes be the lauchfull poſſeſſours, occupyares and tennentes of the Kirk lands, and that divers of the lieges of this Realme hes taken fewes of the ſaidis Kirk-lands, ſen the ſext day of *Marche*, the zeir of God ane thouſand, fiue hundreth, fiftie aucht zeiris, and hes warned them, and intends to warne, be vertew of the ſaids fewes or lang tackes the lauchful and kindlie poſſeſſours of the ſaidis Kirk-lands to remoue: For remeid hereof: Her Hienes with adviſe of the three Eſtaites in this preſent Parliament, hes ſtatute and ordaned, that na kindlie lauchfull poſſeſſour, tennent or occupyer of onie of the ſaidis Kirk-lands, be removed fra their kindelie rowme, ſteading, or poſſeſſion be the alleged fewares or takers of the ſamin in lang tackes, ſen the ſaid ſext day of *March*, the zeir of God ane thouſand, fiue hundreth, fyftie aucht zeires: Bot that the lauchfull poſſeſſours, tennentes and occupiers of the ſaid Kirk-lands, may bruke and joyis their ſaidis tackes, rowmes, and poſſeſſions but violence of onie zeiris bygane, be warning to remoue, be onie of the ſaid alleaged titles of fewes or lang tackes, ſet ſen the ſext daie of *March*, the zeir of God ane thouſand, fiue hundreth, fiftie aucht zeirs, or be onie warning to be maid be vertew of the foreſaidis titles hereafter, vnto the Feaſt of *Whit-ſon-day*, the zeir of God ane thouſand, fiue hundreth, three ſcoir ſex zeires, without licence of our ſaid Soveraine Ladie els obteined, or to be obteined in writ their-vpon. And never-the-leſſe that the ſaidis occupyars, kindlie tennentes and poſſeſſoures pay their mailles, fermes and dewties, according to their tackes, or vſe of payment

of

of before,& attoure it is in likewiſe ſtatute and ordained be the Queenis grace,with adviſe of the Eſtaites foirſaides,that na Elect,Poſtulat,Archbiſhope, Biſchoppe, Abbot, Priour, Commendatar, Prioreſſe, Dene, Archedene,Perſo, Vicar,or vther perſon bruikand benefices,or pretendand themſelves to bruik the ſamin,as Kirk-men of quhat-ſum-ever eſtate,degree or condition they be of, within this Realme, ſet fra thine furth ony of their Kirklandes in few or lang tackes,to ony perſon or perſones,for the ſpace of three zeires nixt to cum, *videlicet*, vnto the Feaſt of *Whit-ſon-day*, the zeir of God ane thouſand,fiue hundreth,thre-ſcore ſex zeires,without the Queenis grace licence elſe obteined,or to be obteined in write their-vpon.

78 *Anent the admiſsion of Notares,and prorogation of the ſamin.*

ITEM,Forſameikle as it was ſtatute and ordained of before,be ane act maid in the Parliament halden at *Edinburgh* the xxij. daie of *Iunij*, the zeir of God ane thouſand,fiue hundreth,lv. zeires,that all Notars within this Realme,baith ſpirituall and temporall, ſuld haue bene cauſed to cum be their Ordinares and Schireffes, Stewartes, Baillies, *reſpectiué*, to the Burgh of *Edinburgh*, their to haue compeired perſonallie before the Lordes of Councell, or that the ſaidis Lordes ſuld direct their letters, requiring and chargeing all Notares within this Realme, to compeir before them,as ſaid is,bringing with them their creationes and haill protocolles,betuixt the ſaid xxij day of *Iunij*, and the feaſt of *Whit-ſon-daie* nixt there-after, at ſik daies as ſuld be aſſigned and appoynted be the ſaidis Lordes to be examined,and their creationes viſied be them, their protocolles produced, to be marked be the Lords, and the leaues numbred, and the blankes in like-wiſe to be marked,and the ſaidis protocoll buikes not to be ſene,nor red,bot to be marked in preſence of the Notar and delivered againe to him,but onie inſpection: And as they war fundin qualified to be admitted be the Lordes of Councell,to vſe office of Notarie thereafter: And that na Notar,be quhat-ſum-ever power he be creat,vſe the office of Notarie,within this Realme thereafter, bot gif he firſt preſented himſelfe to the ſaidis Lordes,ſchawand his creation, and be admitted be them as qualified theirto: And that na Notares, that ſuld happen to be diſcharged be the ſaidis Lordes, or not admitted be them,thereafter ſulde vſe the office of Notarie, vnder the paines after ſpecified. And attour it was ordained,that all Notares to be admitted, as ſaid is,givand Inſtrumentes and requirand witnes thereto, they ſuld require the ſaids witneſſes,quhair they dwelt,or ſum vther evident taikin of them, and inſert the ſamin in their ſaid Inſtrumente,that the witneſſe maie be knawen,being preſent at that time. Further, gif onie Notar beis convict of falſet,or not admitted be the Lords in maner foreſaid & vſe the office of Notarie, they ſal be puniſhed,as ſaid is,,that is to ſay, their haill moueabil gudis to be eſcheitted and applyed to our Soverain Ladies vſe,& they to want their richt hand,& to be baniſhed the Realm for euer. And further,ſuld be puniſhed to the tinſel of their life *incluſiué*,

as the qualitie of the cauſe required, be ſicht & diſcretion of the Iudge And the cauſers of the falſettes to be done, to receiue the famin punition in their perſones and gudes: And becauſe in ane vther act, maid be our Soveraine Ladie in the Parliament foreſaid, all Notares were ſuſpended to the laſt day of *March* thereafter, vnto the time of their admiſſion be the Lordes foreſaids, it being conſiddered, that the ſaid act tuike not then dew execution: Therefore the Queenis grace with adviſe of the three Eſtaites, diſpenſed and ſupplied onie fault be that part of the ſaid act, and al inſtrumentes given ſenſyne and thereafter, vnto the Feaſt of *Whit-ſon-day* nixt after the dait of the ſaid act, as at mair lenth is conteined in the famin: And it being now vnderſtand to the Queenis Majeſtie, and three Eſtaites of this Realme, in this preſent Parliament, that the ſaid act hes not bin dewlie obſerved nor vniverſallie cum in vſe, and that be reaſon the famin come not to the knawledg of the haill lieges of this Realme, quhairthrow thay may be prejudged and hurt be taking & receiving of ſik Inſtrumentes, by the tenour of the foreſaid act, therfore and for vther reaſonable conſiderationes, the Queenis Hienes and three Eſtaites foreſaidis, hes diſpenſed and diſpenſis with the ſaid act, and declairis all Inſtrumentes, tane and maid be quhat ſum ever Notar or Notares, ſen the dait of the ſaid act, to be ſufficient and vailzeable in the ſelfe, ſwa the ſaid Inſtrumentes be maid be loyall Notares, not improven nor defamed, before the making of ſiklike Inſtrumentes, like as her Majeſtie and Eſtaites foreſaides diſpenſes with the famin act and contentes theirof, anent all Inſtrumentes maid in onie times bygane be loyall Notares, as ſaid is, ſen the twentie twa daie of *Iunij*, the zeire of God foreſaid, and to be maid hereafter, quhill the firſt day of *March* nixt to cum, in this inſtant zeir of God ane thouſand, fiue hundreth, three ſcore three zeires. And in the meane time ordainis letters to be direct to command and charge all Notares, quhilk are not as zit examined, and admitted be the Lordes of Councell, according to the tenour of the ſaid act, be open proclamation at the mercat croce of the head Burrowes of al Schires, with in this Realme, to compeir within the Burgh of *Edinburgh*, and there to be examined be the ſaides Lordes in maner foreſaid, betuixt and the ſaid firſt daie of *March* nixt to cum, with certification to them and they failzie, the pains conteined in the ſaid act ſalbe execute vpon them with all rigoure, and all Inſtrumentes taken in Notares handes not admitted and examined be the ſaides Lordes, before the ſaid day to be null and of nane availe, and to haue na faith thereafter.

79 All Notares ſuld be preſented be the King, and admitted be the Lordes of Seſſion.

ITEM, becauſe our Soveraine Ladies lieges are greatumlie hurt be vnworthy and inſufficient Notares, not qualified as effeiris, to be in making of Inſtrumentes and vthers writtinges, according to their office:

It

It is ſtatute and ordaned be our Soveraine Ladie, with the aduiſe of the three Eſtaites, that na perſon tak vpon hand to vſe nor exerce the office of Notarie, be na maner of creation, to be maid in onie time to cum fra this day furth, vnder the paine of death, without they be maid and creat be the Queenes Majeſties ſpeciall letters, and thaireafter examined and admitted be the Lordes of Seſſion and Colledge of Iuſtice, quha ſall tak thair aithes for dew and lauchfull vſing of the ſaid office of Notarie, and cauſe regiſter thair ſigne and ſubſcription, quhilk they ſall vſe in all times after their ſaid admiſſion. And gif onie perſon or perſones, attemptis or dois in contrair heirof, in creating or making Notares, or vſing of the ſaid office vtherwaies nor ſaid is, they ſalbe puniſhed to the death and their inſtrumentes, nor notes to mak na faith.

80 Anent giuing of ſaiſinges.

ITEM, Forſamekle as in vmquhile our Soveraine Ladies deareſt Fathers time that laſt deceaſed, It was ſtatute and ordaned, that al ſaiſinges, quhilkis paſſis vpon precepts of the Chancellarie, to be given be the Schireffe clerk or his deputes: Sen the quhilk act, there is be occaſion of weires & great troubles, diuers ſaiſings given be vthers Notars, vpon preceptes paſt furth of the ſaid Chancellarie: Therefore our Soveraine Ladie, with aduiſe of the three Eſtaites of Parliament, diſpenſed with that fault of all ſaiſinges given be vthers Notares, ſen the making of the foreſaid act, & ordaned the ſaid act to be publiſhed & haue effect in times cumming, with this addition, that vpon all precepts paſt foorth of the Chancellarie, the Schireffe, Stewart, or Baillie, al-weill Regalitie as Royaltie, or their deputes, ſuld be required to paſſe and giue ſaiſinges with the Schireffe Clerk, and his Deputes, and gif the Schireffe, Stewart, or Baillie, or their deputes, refuſed to paſſe and give the ſaiſing, then the party haver of that precept, to put ony vther baillie to giue ſaiſing as he ſall think maiſt expedier, as at mair length is conteined in the ſaid act, of the dait the twenty day of *Iunij*, the zeir of God ane thouſand, fiue hundereth, fiftie fiue zeires. And now the Queenis grace and three Eſtaites of this Realme vnderſtanding that the ſaid act hes not bene dewlie obſerved nor vniverſallie cum in vſe, and that be reaſon the ſamin come not to the knawledge of the haill leges of this Realme, quhair-throw they may be prejudged and hurte be taking of ſik ſaiſinges, by thoordour of the ſaid act. Therefore, and for vther reaſonabill conſiderations, the Queenis Hienes and three Eſtaites foreſaides, hes diſpenſed, and diſpenſis with the ſaid act, and declaris all ſaiſinges tane and given be quhatſum-euer perſon or perſones, ſen the dates of the ſaides actes *reſpectiue*, be authentick Notares, to be ſufficient and vailzieabill in the ſelfe, ſwa that the Notares giuers thair of be loyall, not improven nor defamed be fore the giving of ſik ſaiſinges, like as her Majeſtie and Eſtaite foreſaides, diſpenſis with the ſamin act and contentes thereof, anent all ſaiſinges tane in ony times bygane, the clerkes & Notares thereof, beand loyall, as ſaid is, ſen the ſaid twentie day of *Iunij*, in the zeir of

God foresaid, and to be maid hereafter, quhill the first daie of *March*, nixt to cum, in this instant zeir of God ane thousand, fiue hundreth three-scoire three zeires.

81 *Anent resignationes maid ad perpetuam remanentiam.*

ITEM, Forsamekill as it was statute and ordaned of before be ane act maid in the Parliament halden at *Edinburgh* the twentie daie of *Iunij*, the zeir of God ane thousand, fiue hundreth, fiftie fiue zeires, that all resignationes to be maid be vassalles of their proprieties in the superiours hands, *ad perpetuam remanentiam*, being maid be procuratorie, the said procuratorie sulde bee sealed and subscrived bee the vassalles hands, and gif he coulde write to be subscrived with his awin hand at the pen, led be ane authentick Notar, and sealed with his seale, and gif the said resignation beis maid be the vassall personallie, *ad perpetuam remanentiam*, that the instrument theirof be sealed with the seale of the resigner, and subscrived with his awin hand, and gif he cannot write, to be subscrived with his hand at the pen, led be ane Notar in maner foresaid, and na resignation *ad remanentiam* to haue strenth in times to cum, vther waies nor is abone specified: And it being now vnderstand to the Queenis Majestie, and three Estaites of this realme, that the said act hes not bene dewlie obserued, nor vniuersally cum in vse, and that be reason the samin come not to the knawledge of the haill Lieges of this Realme, quhairthrow they may be prejudged and hurt in making and receiving of sik resignationes, be the tenour of the fore-said Act: Therefore, and for vther reasonable considerationes, the Queenes hienes and three Estaites foresaides, hes dispensed, and dispensis with the said act, and declaris all resignationes maid in the superiours handes, be quhat-sumeuer vassall, tennent or vther person *ad perpetuam remanentiam*, sen the dait of the said act, to be sufficient and vailzeable in the selfe, not-with-standing the said act, swa that the samin may be verified and provin to haue bene maid be Instruments, or vther authentick writtinges, or sufficient probation, that wald haue maid faith and sufficient and lauchfull verification theirof, be the vse and consuetude of this Realme, obserued and keiped in sik-like case, anent the making of resignationes *ad perpetuam remanentiam*, before the making of the said act, like as her grace & Estaites foresaides, dispensis with the said act and contentis theirof, anent all resignationes *ad remanentiam* maid in onie time bygane, sen the said xx day of *Iunij*, and to be maid hereafter, quhill the first daye of *March* nixt to cum, in this instant zeir of God ane thousand, fiue hundreth, three-score three zeires.

82 *That fiue or sex of the principall Burrowes be warned, for concluding of weir, peace, or taxationes.*

ITEM, The Queenis grace being of will and minde, that all Prouestes, Alder-men, Baillies, Councill and communitie, and inhabitantes of Burrowes of this Realme, be rather augmented in their priuileges

leges maid be her grace and her predeceſſoures to them, nor diminiſhed their-intill: Hes ſtatute and ordained be the adviſe of the three Eſtaites of this preſent Parliament, that fiue or ſex of the principalls, Proveſtes, Aldermen, and Baillies of this Realme, ſall in all times to cum be warned to all conventiones that ſall happen the Queenis grace and hir ſucceſſours to conclude vpon peace or weir, with quhat-ſum-euer her Hienes confederates, or Enemies, or making or granting of generall taxationes of this Realme. And that her Hienes or councell, ſall not conclude nor decerne vpon peace, weir, nor taxationes foreſaidis, without fiue or ſex of the ſaidis principalles, Proveſtes, Alder-men, and Baillies of Burrowis be warned theirto lauchfullie, as effeiris.

83. Anent the ſtancheing of tumultes within Burrowes.

ITEM, It is ſtatute and ordained be our ſaid Soverain Ladie, with adviſe of the three Eſtaites foreſaidis, for ſtanching & ſuppreſſing of tumultes, vproares & troubles, that hes happened within Burrowes in al times bypaſt: That nane of our Soveraine Ladies lieges preſume, pretende, or take vpon hand to make onie privie conventiones nor aſſemblies within Burgh, put on armour, cleith themſelues with weapones or make ſound of trumpet or Talbrone, or vſe culveringes, diſplayed banners, hand ſeinzeis, or vthers inſtruments bellical quhat-ſum-euer, in onie time heireafter, without the ſpeciall licence of our ſaid Soveraine Lady, and her Hienes Magiſtrates within the Burgh, quhair the ſaid tumult & vproare chauncis to be, had & obteined theirto, vnder the paine of death. Providing, that the raiſing and convening of the inhabitants of the ſaidis Burrowes be the Magiſtrates, for execution of repreſſing of malefactours be Iuſtice, be not comprehended vnder this act.

84. That nocoales be had furth of the Realme.

ITEM, Our Soveraine Ladie and Eſtaites foreſaides, havand conſideration of the great multitude of coales continuallie caried furth of this Realme, not onlie be ſtrangers, bot alſwa be the lieges and inhabitantes of the ſamin, quhilk is now becummin the common ballaſt of emptie Schippes, and giues occaſione of maiſt exorbitant dearth, and ſcantneſſe of ſewall within the ſamin: Therefore it is ſtatute & ordaned, that na maner of perſon, ſtranger nor liege, nor inhabitants in this realm, take vpon hand to tranſ-port, carie or tak furthonie coales be Schippe, Crayer or onie bait, or vther veſſel quhat-ſum-euer, in onie time hereafter, vnder the paine of amiſſell and confiſcation of the Schip, coales and all the guds that the awner of the coales hes within the ſaid Schip, to our ſaid Soveraine Ladies vſe, except ſa monie as are neidfull for fire during the time of their voyage.

85 That beiff and mutton cum to the mercat with skin and birne.

ITEM, It is ſtatute and ordaned be our ſaid Soveraine Ladie with adviſe of the three Eſtaites foreſaides: That all beiff, muttoun, veale & like beſtiall, ſlane to land-wart, and Burgh, or preſented to free burrowes or fre mercattes, bring with them in all times cumming their hide, skin, and birne, vnder the paine of confiſcation, & eſcheitting of ſik-like beſtiall, and gudes, as wantis the ſaid hide, skin and birne, to be applyed to our Soveraine Ladies vſe.

86 The ratification of the privileges of Burrowes.

ITEM, Our ſaid Soveraine Ladie, with adviſe of hir ſaides three Eſtaites in this preſent Parliament, ratifies, apprievis, and confirmis all actes of Parliament, ſtatutes, privileges, and immunities quhat-ſum-euer given and granted be our ſaid Soveraine Ladie, or vthers her predeceſſoures quhat-ſum-euer, in favoures of the Burrowes, Proveſtes, Aldermen, Baillies, Communities, and indwellers within the ſamin, with all letters and executorialles, that hes paſt or may paſſe theirupon, giuand expreſſe command be thir preſentes, to the Lordes of our Soveraine Ladies College of Iuſtice and Seſſion, to giue and direct ſik reaſonable letters, as they or onie of them will deſire, or hes had of before; Commanding and chargeing all our Soveraine Ladies lieges and ſubjectes, that nane of them take vpon hand to attempt, or pretend to attempt, violate or breake the foreſaides Lawes, actes of Parliament, ſtatutes, ordinances, immunities, or vthers privileges quhat-ſum-ever, given and granted in favoures of the ſaides burrowes, vnder the paines cõteined in the ſamin, and vnder all paine and offenſe, that they and everie ane of them may incur, againſt our Soverain Ladies authority royal their-throw.

FINIS.

THE TENTH PARLIAMENT OF MARIE QVEENE of Scotland, halden at Edinburgh, the fifteene day of *December*, the zeir of God, ane thouſand, fiue hundreth, ſextie foure zeires.

87 *Declaration of our Soveraine Ladies perfite age.*

ANENT The artickle proponed to the Queenis Majeſtie and to the Lordes of the Artickles, makand mention of ane act of Parliament, maid bee King Iames the Second of gud memorie, of the dait, the twentie daie of *March*, the zeir of God ane thouſand, foure hundreth, thirty ſeven zeires, & of ane vther act maid be King Iames the fourth in his Revocation, makand mention of xxj. zeires of his age, of the dait the fifteene day of *Februar*, the zeir of God ane thouſand foure hundreth, foure ſcore nine zeires, likeas the ſaides actes *reſpectiué*, at mair lenth proportis: Deſirand therefore the ſaides Lordes of artickles to declair the ſaides actes and vthers actes following, anent the lauchfull and perfite age of the Prince, gif it be at xxj. zeires compleit: Quha hes declaired & declairis, that the Queenis Majeſties prede ceſſoures, Kinges of this Realme, wer be the ſaides actes halden of lauchfull and perfite age at xxj. zeires compleit, like as her Hienes being of xxj zeires of age compleit, is of perfite and lauchfull age, Swa that her Hienes Predeceſſoures, and ſucceſſoures, after the ſaid age of xxj. zeires. compleit, micht haue done and may do all thinges, that thereafter ane Prince of lauchfull and perfite age, micht haue done, or may doe of the Lawe.

88 *Anent the confirmation of fewes.*

THE Quhilk day the Queenis Majeſtie, having conſiddered the earneſt ſute of her ſubjectes, maid to hir Hienes, for her grace confirmation to be obteined vpon inteſt-mentes of few-ferme of the Kirk-landes ſet be the Prelates of her Hienes realme, ſen the aucht daie of *March*, the zeir of God ane thouſand, fiue hundreth, fiftie aucht zeires, in time of trouble

trouble, contrar the tenour of her graces letters of inhibition, publiſhed and proclaimed in diverſe partes of her Realme, and als of vthers infeftmentes of Kirk-lands obteined before the ſaid aucht daie of *March*, and now is adviſed, and intendis to grant ſik confirmationes, willing that the ſamin be ſure to ſik as ſall obteine them: Therefore her Hienes with adviſe of her three Eſtaitis in Parliament, will, grantis, ſtatutis & ordainis that all confirmationes to be granted be her Majeſtie of the ſaid infeftmentes, ſalbe als lauchfull, and of als great ſtrenth and availe, as gif the ſamin had bene obtained and purchaſed fra the Pape or ſate of Rome, and of als great ſtrenth and effect, as onie vther confirmationes of ſik infeftmentes obteined be onie vthers perſones within this Realme, be authoritie of the Pape, or ſate Apoſtolick in onie times bygane: Providing that the infeftmentes of Kirklandes obtained be onie perſon or perſones, ſen the ſaid aucht daie of *March*, not dewlie confirmed be hir Hienes, be of nane availe, force, nor effect.

FINIS.

ANE TABLE OF THE PARTICVLAR ACTS AND vthers omitted in the Parliamentes maid be Queene Marie.

5. Parl. 1. Feb. 1551.

THE Declaration of the Lord Angus.
Anent curſed perſones that compellis Prieſtes to ſay meſſe in their preſens.
Anent malt-makers.
Anent Beggers.
Anent ſlaying of Daes, and Raes.
Anent packing and peilling.
Anent fore-ſtallers.
Anent the having of quhite fiſhe furth of the Realme.
Anent Monſieur Doſell.
Ratification of the contract maid betuixt the Lord Governour and Sir Iames Hammiltoun
Ratification of the act maid betuixt the Queenis grace and the Lord Governour.

6. Parl. 20. Iunij. 1555.

Anent the libertie of halie Kirk.
The act maid anent the ſlauchters of parties in perſute and defence of their actiones and cauſes.
Anentis all meaſouris and weichtes.
Anentis Lambes.
Anentis ferriares.
Anentis the ſlauchter of powtes and pertricks &c.
Anentis planting of wooddes, Parkes, Forreſtes and Orchardes.
Anentis beggers.

7. Parl. 14. Decemb. 1557.

The diſpoſition of the wards mariages, non-entreſſes, benefices, tackes & ſteadings vaikand throw their deceis. Na proces to be led againſt thē during their ſeruice.

9. Parl. 4. Iunij. 1563.

For eſchewing of dearth of viuers and victualles.
Anentis meaſures and weichtes.
Anentis ſchutting wylde beaſtes, and foules.
Anent the letters of Marque.
Ane proviſion to be maid for the inſtruction of he zouth.
For ſending ane Ambaſſadour to the King of Denmarke

FINIS.

THE FIRST PARLIAMENT OF KING IAMES THE SEXT, HALDEN AT EDINBVRGH THE XV. DAY OF DECEMBER, 1567. be IAMES Erle of MVRRAY, &c. *Regent to this Realme and* Liegis.

1 *Anent the conſtitution of* Iames *Erle of* Murray *in Regent, to our Soverain Lord, his Realme and Liegis.*



ITEM, It is foundin declared, and decerned be our Soveraine Lord, with aduiſe of the three Eſtaitis, and haill bodie of this preſent Parliament, that the nominatioun, conſtitutioun, and ordinatioun of our ſaid Soveraine Lords deareſt Couſing, IAMES Erle of *Murray*, Lord *Abernethie*, in Regent to his Hienes, his Realme and Liegis thereof, during the time of his Majeſties minoritie, and leſſe age, ſpecified and expreſſed in the Queenes Majeſties Letters, vnder her ſubſcriptioun and privie ſeale, of the date the 24. day of Iulij laſt bypaſt, togidder alſwa with the conſent and approbation of the Erles, Lordes, Prelates, Commiſſioners of Burrowes, Barrones, and vtheris faithfull ſubjects, convened and aſſembled to that effect. And the acceptation of the ſaid office of Regentrie, be the ſaide IAMES Erle of *Murray*, vpon the 22. day of Auguſt laſt bypaſt, was, is, and in all times cumming ſall be halden, repute, and eſteemed lawfull, ſufficient, and perfite.

And all and whatſumever things, quhilks he hes done be vertew of his ſaid office of Regentrie, ſen his acceptatioun thereof, or quhilks he ſal do hereafter, in our ſaid Soveraine Lords name and authoritie, during the time of his hieneſſe Minoritie, ſpecified in the ſaid commiſſioun and procuratioun produced, aduiſed and conſidered, be the ſaid three Eſtaites, to be as dewlie lawfullie, ſufficiently, & righteouſly done, and to haue als great avail, ſtrength force and effect, in all reſpects and conditions, as ony things done be quhatſumever Regents, Governours or Protectours of this Realme, in the minorities & leſſe aiges of ony vthers natiue Princes of the ſame. And ratifies, appreuis and confirmis, the ſame nominatioun and acceptatioun, for now & in time cumming.

MARIE Be the grace of God Queene of Scots, to all and ſindrie our Iudges, & miniſters of our Lawes, liegis & ſubjects, quhom it effeiris, to quhais knawlege thir our letters ſal cum, greeting: For ſameikle, as after lang greate and intollerable paines, and labours taken bee vs, ſen our arriuall within our Realme, for gouernement thereof, and keeping of the Liegis of the ſamin in quietnes, we haue not onely beene vexed in our ſpirite, body, and ſenſes thereby, bot als at length are altogidder ſa wearyed thereof, that our habilitie, and ſtrength of body, is not abill langer to indure the ſamin.

THEREFOIR, and becauſe na thing earthlie can be mair comfortabill and happy to vs in this Earth, nor in our life time to ſee our deare Sonne, the natiue Prince of this our Realme, placed in the Kingdome thereof, and the Crowne Royall ſet on his head; we of our awin free-will, and ſpecial motiue, haue dimitted and renounced the governement, guyding and governing of this our Realme of SCOTLAND, lieges and ſubjects thereof, in favours of our ſaid Sonne, to that effect that in all times hereafter, he may peaceablie and quietlie enjoy the ſamin, without trouble, and bee obeyed as natiue King and Prince of the ſamin, be the Lieges thereof. And vnderſtanding, that be reaſon of his tender zouth, he is not of habilitie in his awin perſoun, to adminiſtrate in his Kingly roome and governement, as equitie requyres, quhill that hereafter he come to the zeires of diſcretioun. And als knawing the proximitie of blude ſtandand betwixt vs, our ſaide Sonne, and our deareſt brother IAMES Erle of *Murray*, Lord *Abernethie*, &c. And havand experience of the naturall affectioun and tenderlie loue, he hes in all tymes borne, and preſentlie beares towardes vs, honour and eſtaite of our ſaide Sonne. Of quhais loue and favoure towardes him, wee can not bot aſſure our ſelfe. To quhome na greater honour, joye, nor felicitie in earth can come, nor to ſee our ſaide Sonne inaugurate in his Kingdome, feared, reverenced and obeyed be his lieges thereof. In reſpect quhairof, and of the certaintie, and notorietie of the honeſtie, habilitie, qualificatioun and ſufficiencie of our ſaide deareſt Brother, to haue the cure and regiment of our ſaid Sonne, Realme and lieges foreſaids, during our ſaide Sonnes Minoritie: Wee haue made, named, appointed, conſtitute, and ordained, and be thir our Letters, names, appointes, makes, conſtitutes and ordainis our ſaid deareſt brother IAMES Earle of *Murray*, Regent to our ſaide deareſt Sonne, Realme, and lieges foreſaids,

during

during his Minoritie and les age, and ay and quhill he be of the age of seventene zeirs compleit. And that our said brother be called during the said space, Regent to our said Sonne, his Realme and Liegis. Swa that our said Sonne, after the compleeting of the zeiris foresaidis, in his awin persoun, may tak vpon him the said government, and vse and exerce all & sindrie priviledges, honouris and vtheris immunities, that appertainis to the office of a King, aswell in governing his Realme and people, according to the Lawis, as in represſing the violence of sik as wald invaid, or injustlie resist him or them, or his Authoritie royall. With power to our said deareſt brother IAMES Erle of *Murray*, in Name, Authoritie and behalfe, of our said maist deare Sonne, to receiue resignatiounis of quhatsumever Lands halden of him, or zit of Offices, Castellis, Towres, Fortalices, Mylnes, Fischings, Woods, Benefices, or pertinentis quhatsumever: the samin againe in our said Sonnes Name, to gif and deliuer signatouris therevpon, and vpon the gifts of Wairdes, non-entresſis, and relevis of Landis, and Marriages of Airis falland, or that sall happen to fall in our said Sonnes hands as superiour thereof. And als vpon presentatioun of Lands, Benefices, Escheitis of guddis mouabill and vnmouabill, debtis and takkis, respittis, remissiounis, supersedereis, and vpon the dispositioun of Offices vacand, or quhen thay sall happen to vaik, to subscriue, and cause be past the seillis. The said office of Regentrie, to vse and exerce in all thingis, priviledges, and commodities, siclike als freely, and with als great libertie, as ony Regent or Governour to vs, or our Predecessouris vsed in ony times bygane, and siclike as gif every head, priviledge and Article, concerning the said Office, were at length expresſed and amplified in thir our Letteris. PROMISAND to hald firme and stabill, in the word and faith of ane Prince, quhatsumever things our said deareſt brother in the premisſis happinnis to doe. Chargeing heirfore zou all and sindrie, our Iudges and Ministers of Law, Liegis and subjectis foirsaidis, to answer and obey to our said deareſt brother, in all and sindrie things, concerning the said office of Regentrie, as ze and ilk ane of zou, wil declair zou loving subjectis, to our said maist deare Sonne, and vnder all paine, charge and offence, that ze and ilk ane of zou may commit and inrinne, against his Majestie in that part. Subscriued with our hand, and giuen vnder our privie seill, At *Lochlevin* the 24. day of Iulij, And of our Reigne, the twentie fiue zeir.

2 *Anent the abolisching of the Pape, and his vsurped authoritie.*

ITEM, Our Soverane Lord, with advise of his deareſt Regent, and three Estatis of this presſent Parliament, ratifyis and approvis the Act vnder written, maid in the Parliament haldin at *Edinburgh* the 24. day of Auguſt, the zeir of God 1560. zeiris. And of new in this presſent Parliament, statutis and ordanis the said Act to be as ane perpetuall Law, to all our Soverane Lordis Liegis, in all times cumming. Of the quhilk the tenour followis. ITEM the three Estaitis vnderstanding that the jurisdictioun and authoritie of the Bischop of *Rome*, called the Pape, vsed within this Realme in times bypast, hes not onely bene contumelious to the eternall God, but also very hurtfull and

prejudiciall to our Soveraines authoritie, and common weil of this Realme. THEIRFOIR it is ſtatute and ordained, that the Biſchop of *Rome*, called the Pape, haue na juriſdictioun nor authoritie within this Realme, in ony time cumming. And that nane of our ſaid Soveraines ſubjects, in ony times heirafter, ſute or deſire title or richt of the ſaid Biſchop of *Rome*, or his ſect, to ony thing within this Realme, vnder the paines of Barratrie, that is to ſay, proſcription, baniſchment, and never to bruke honour, office, nor dignitie within this Realme. And the contraveners heirof to be called before the juſtice or his deputes, or before the Lords of the Seſſion, and puniſched therefoir, conforme to the Lawes of this Realme. And the furniſchers of them, with finance of money, and purchaſſers of their title of right, or maintainers, or defenders of them, ſal incurre the ſamin paines. And that na Biſchop nor vther Prelat of this Realme, vſe ony juriſdiction in time cumming, be the ſaid Biſchop of *Romes* authoritie, vnder the paine foirſaid. And therefoir of newe decernis and ordanis, the contraveners of the ſamin, in ony time hereafter, to be puniſched according to the paines in the foirſaid Act abouerehearſed.

3 Anent the annulling of the Actes of Parliament, made againſt God his word, and maintenance of Idolatrie in ony times bypaſt.

ITEM our Soveraine Lord, with adviſe of his deareſt Regent, and three Eſtaitis of this preſent Parliament, ratifyis & appreuis the Act vnder written, made in the Parliament haldin at *Edinburgh* the 24. day of Auguſt, the zeir of God, ane thouſand fiue hundreth threſcore zeiris. And of new in this preſent Parliament ſtatutis and ordanis the ſaid Act, to be as a perpetual Law to all our Soveraine Lordis liegis in al times cumming. Of the quhilk the tenour followis. THE quhilk day, Forſameikle as there hes beene divers and ſindrie Acts of Parliament, made in King IAMES the Firſt, Secund, Third, Fourt and Fift times, Kinges of SCOTLAND for the time, and alsin our Soverane Ladies tyme, not aggreing with Gods haly word, and be them divers perſones tuke occaſion to maintaine Idolatrie and ſuperſtition within the Kirk of GOD, and repreſſing of ſik perſones, as were profeſſours of the ſaid word, quhairthrow divers innocents did ſuffer. And for eſchewing of ſik inconvenientes in time cumming, the three Eſtates of Parliament, hes annulled, and declared all ſik Acts made in times bypaſt, not agreing with God his word, and now contrary to the Confeſſioun of Faith, according to the ſaid word, publiſhed in this Parliament, to be of nane availe, force nor effect. And decernis the ſaide Acts, and every ane of them, to haue na effect nor ſtrength in time to cum, bot the ſamin to be aboliſhed and extinguiſhed for ever, in ſa far as any of the foirſaidis Acts are repugnant, and contrarie to the Confeſſioun of Faith, and word of GOD foirſaid, ratyfied and approved be the Eſtates in this preſent Parliament. And therefore decernis and ordanis, the contraveners of the ſamin Act, in ony time herafter, to be puniſched, according to the Lawes. Of the quhilk Confeſſion of the Faith, the tenour followes.

THE

THE CONFESSION OF THE FAITH AND DOCTRINE, BELEEVED AND PROFESSED BE THE PROTESTANTES of SCOTLAND, exhibited to the Eſtatis of the ſame in Parliament, *and be their publick votis authorized, as a doctrine* grounded vpon the infallible word of God.

1 *Of God.*

WE confeſſe and acknawledge ane onely GOD, to whom onelie we muſt cleaue, whome onelie we muſt ſerue, whom onelie we muſt worſhip, and in whom onlie we muſt put our truſt. Who is Eternall, Infinit, Vnmeaſurable, Incomprehenſible, Omnipotent, Inviſible, ane in ſubſtance, and yet diſtinct in three perſonnis, the Father, the Sonne, & the holie Ghoſt. Be whom we confeſſe and beleue all thingis in heauen and earth, aſwel Viſible as Inviſible, to haue bene created, to be reteined in their being, and to be ruled and guyded be his inſcrutable Providence, to ſik end, as his Eternall Wiſdome, Goodnes, and Iuſtice hes appoynted them, to the manifeſtatioun of his awin glorie.

Deut. 6. 4
1. Cor. 8. 6.
Eſay. 44. 5. 6.
1. Tim. 1. 27.
1. Kin. 8. 17
2. Chro. 8. 18.
Pſal. 139. 7. 8.
Gen. 17 1.
1. Tim. 6. 15. 16.
Ex. 3. 14. 15
Mat. 28. 19
1. Ioh. 5 7.
Gen. 1. 1
He. 11, 3.
Act. 17 28.
Pro. 16 4.

2. *Of the Creatioun of man.*

WE confeſſe and acknawledge, this our GOD to haue created man, to wit, our firſt father *Adam*, to his awin Image and ſimilitude, to whome he gaue wiſedome, Lordſhip, Iuſtice, Free-wil, and cleir knowledge of him ſelfe, ſa that in the haill nature of man, there culd be noted no imperfectioun. Fra quhilk honour and perfectioun, man and woman did bothe fal: the woman being deceived be the Serpent, and man obeying the voyce of the woman, both conſpyring againſt the Soveraigne Maieſtie of GOD, who in expreſſed words had before threatned death, gif they preſumed to eat of the forbidden tre.

Gen. 1. 26. 27. 28. &c.
Colo 3. 10
Eph 4. 24.
Gen. 3. 6.
Gen. 2. 17.

3 *Of Original ſinne.*

BE quhilk tranſgreſſioun, commonlie called Original ſinne, wes the Image of God vtterlie defaced in man, and he and his poſteritie of nature become Enimies to GOD, ſlaues to Sathan, and ſeruandis vnto ſin. In ſamekle that death everlaſting hes had, and ſall haue power and dominioun, over all that haue not been, ar not, or ſal not be regenerated from aboue, quhilk regeneratioun is wrocht be the power of the holie Ghoſt, working in the hartes

Pſal 51. 7.
Rom. 5. 10
Rom 7. 5.
2. Ti. 2. 26.
Ep. 2 1 2 3
Rom. 5. 14 21.
Rom. 6. 23

of the elect of God, ane assured faith in the promise of God, reveiled to vs in his word, be quhilk Faith we apprehend Christ Iesus, with the graces and benefites promised in him.

Iohn.3.5. Rom.5.1. Phil.1.29

4 Of the Revelatioun of the promise.

FOR this we constantlie beleeue, that God, after the feirfull and horrible defectioun of man fra his obedience, did seek *Adam* againe, call vpon him, rebuke his sin, convict him of the same, and in the end made vnto him ane most joyful promise, to wit, that the seed of the woman suld break down the Serpents head, that is, he suld destroy the works of the devill. Quhilk promise, as it was repeated, and made mair cleare from time to time: so was it imbraced with joy, and maist constantlie received of al the faithfull, from *Adam* to *Noe*, from *Noe* to *Abraham*, from *Abraham* to *David*, and so foorth to the incarnatioun of Christ Iesus, all (we meane the faithfull Fathers vnder the Law) did see the joyfull daie of Christ Iesus, and did rejoyce.

Gen.3.9. Gen. 3. 15. Gen.12.3 Gen.15.5.6 2.Sam.7. 14. Esay.7.14. Esay.9.6. Hag. 2.6. Ioh.8.56.

5 The continuance, increase, and preservatioun of the Kirk.

WE maist constantly beleeue, that God preserved, instructed, multiplied, honoured, decored, and from death called to life, his Kirk in all ages fra *Adam*, till the cumming of Christ Iesus in the flesh. For *Abraham* he called from his Fathers cuntry, him he instructed, his seede he multiplied, the same he marveilouslie preserued, and mair marveilouslie delivered, from the bondage and tyrannie of *Pharaoh*, to them he gaue his Lawes, constitutions and ceremonies, them he possessed in the Land of *Canaan*, to them after Iudges and after *Saul*, he gaue *David* to be King, to whome hee made promise, that of the fruite of his loynes suld ane sit for ever vpon his Regall seat. To this same people from time to time he sent Prophets, to reduce them to the right way of their God: from the quhilk oftentimes they declined, be Idolatry. And albeit that for their stubborne contempt of Iustice, he was compelled to giue them in the hands of their enimies, as befoir was threatned be the mouth of *Moses*, in sa meikle that the haly Cittie was destroyed, the Temple burnt with fire, and the haill Land left desolate the space of lxx. zears: Zit of mercy did he reduce them againe to *Ierusalem*, where the Cittie and Temple were reedified, and they against all temptations and assaultes of Sathan did abide, till the Messias come, according to the promise.

Ezech.6. 6,8. 9. &c. Gen. 12. 1. Gen. 13.1. Exod. 1. 1. Exod. 1.20 Iosh.1.3. & 23.4. 1. Sa. 10.1. 1.Sa 16.13 2.Sa. 7.12. 2. King. 17. 13. 2. King.17 15.16.&c. 2. King.24 3.4 &c. Deut.28. 36.48. 2.King.25. 1. &c. Dan.9.2. Ezr. 1. &c. Hag.1.14 Zach.3.1

6 Of the Incarnation of Christ Iesus.

QVHEN the fulnes of time came, God sent his Sonne, his eternall Wisdome, the substance of his awin glory in this warld, quha tuke the nature of man-head of the substance of woman, to wit, of a Virgine, and that be operatioun of the holie Ghost: And so was borne the just seede of *Dauid*, the Angell of the great counsell of God, the very Messias promised, whome we confesse and acknawledge *Emmanuel*, very God and very man, two perfit natures vnited, and joyned in one persoun. Be quhilk our Confessioun we condemne the damnable and pestilent heresies of *Arrius*, *Marcion*, *Eutyches*; *Nestorius*,

Gal.4.4. Luk. 1.31. Mat. 1.18. Mat.2.1. Rom.1 3. Mat.1.23 Ioh.1.1.45 1.Tim.2.5

Neſtorius, and ſik vthers, as either did denie the eternitie of his God-head, or the veritie of his humaine nature, or confounded them, or zit devided them.

7 Why it behooued the Mediator to be very God and very Man.

VVE acknawledge and confeſſe, that this maiſt wonderous conjunction betwixt the God-head and the man-head in Chriſt Ieſus, did proceed from the eternall and immutable decree of God, from quhilk al our Salvation ſprings and depends. Ephes. 1. 3. 4. 5. 6.

8 Electioun.

FOR that ſame eternall God and Father, who of meere grace elected vs in Chriſt Ieſus his Sonne, befoir the foundation of the warld was laide, appointed him to be our head, our brother, our Paſtor, and great Biſchop of our ſauls. Bot becauſe that the enimitie betwixt the juſtice of God & our ſins was ſik, that na fleſh be it ſelfe culd, or might haue attained vnto God: It behooved that the Sonne of God ſuld deſcend vnto vs, and tak himſelf a bodie of our bodie, fleſh of our fleſh, and bone of our bones, and ſo become the Mediator betwixt God and man, giving power to ſo many as beleeue in him to be the ſonnes of God, as himſelfe dois witneſſe. I paſſe vp to my Father, and vnto zour Father, to my God, and vnto zour God. Be quhilk maiſt holie fraternitie, quhatſaever wee haue tynt in *Adam*, is reſtored vnto vs againe. And for this cauſe, ar we not affrayed to cal God our Father, not ſa meikle becauſe he hes created vs (quhilk we haue common with the Reprobate) as for that, that he hes given to vs his onely Sonne, to be our brother, and given vntovs grace, to acknawledge and imbrace him for our onlie Mediatour, as before is ſaid. It behooved farther the Meſſias and Redemer to be very God, & very man, becauſe he was to vnderlie the puniſchment due for our tranſgreſſiouns, and to preſent himſelfe in the preſence of his Fathers Iudgement, as in our perſone, to ſuffer for our tranſgreſſion and inobedience, be death to overcome him that was author of death. Bot becauſe the onely God-head culd not ſuffer death, neither zit culd the onlie man-head overcome the ſamin, he joyned both togither in one perſone, that the imbecillitie of the ane, ſuld ſuffer and be ſubject to death, (quhilk we had deſerved) And the infinit and inuincible power of the vther, to wit, of the God-head; ſuld triumph and purcheſſe to vs life, libertie and perpetuall victory: And ſo we confes, and maiſt vndoubtedly beleeue. Ephes. 1. 11. Mat. 25. 34. Epbes. 1. 21. 22. Heb 2 7. 8. Pſal. 22 11 Heb 13. 20 1. Pet. 2. 24. & 5. 4 Pſa. 130. 3. Pſa 143. 3. 1. Tim. 2 5 Ioh. 1. 12. Ioh. 20. 17. Rom. 5. 17. 18. 19. Rom. 8 15 Gal. 4 5. 6. Act 17 26. Heb. 2. 11. 12. 1. Pet. 3. 18 Eſay. 53. 8. Act. 2. 24 1 Ioh 1. 2. Act. 20. 28. 1. Tim. 3. 16 Iohn. 3. 16

9 Chriſts death, Paſsion and Buriall.

THAT our Lord Ieſus offered himſelfe a voluntary Sacrifice vnto his Father for vs, that he ſuffered contradiction of ſinners, that he was wounded and plagued for our tranſgreſſiouns, that hee being the cleane innocent Lambe of GOD, was damned in the preſence of ane earthlie Iudge, that we ſuld be abſolued befoir the tribunall ſeat of our God. That hee ſuffered not onlie the cruell death of the Croſſe (quhilk was accurſed be the ſentence of God) bot alſo that he ſuffered for a ſeaſon the wrath of his Father, quhilk ſinners had deſerved. Bot zit we avow that he remained the only welbeloved and bleſſed Sonne of his Father, even in the middeſt of his anguiſh and torment, quhilk hee ſuffered in bodie and ſaule, to mak the full ſatiſfaction for Heb 10. 1 &c. 12. Eſay. 53. 5 Heb. 12 3 Ioh. 1. 29 Mat. 26. 1 2 Deu. 2. 23 Mar. 15. 1. 2 Gal. 3. 13. Luk. 23. 2. Mat. 26. 38. 2. Cor. 5. Heb 9. 12. Heb. 10. 5

the ſinnes of the people. After the quhilk we confeſſe and avow, that there remaines na vther Sacrifice for ſinne, quhilk gif ony affirme, we nathing dout to avow, that they ar blaſphemous againſt Chriſts death, & the everlaſting purgatioun and ſatisfactioun, purchaſed to vs be the ſame.

10 Reſurrectioun.

Act. 2. 23. Act. 3. 26. Rom. 6, 5. 9. Act. 2. 24. Rom. 4. 25 Heb. 2. 14. 15 Mat. 28. 4. Mat. 27. 25 53. Mat. 28. 5. Ioh 20. 27 & 21. 7. Luk. 24. 41. 42. 43. Ioſ. 21. 12. 13.

VVE vndoutedlie beleue, that in ſa mekle as it wes impoſſible, that the dolours of death ſulde reteine in bondage the Author of life, that our LORD IESVS crucified, dead and buryed, quha deſcended into hell, did ryſe againe for our Iuſtificatioun, and deſtroying of him quha wes the Author of death, brocht life againe to vs, that wer ſubiect to death, and to the bondage of the ſame. We knaw that his Reſurrectioun, wes confirmed be the teſtimonie of his verie Enemies, be the reſurrectioun of the dead, quhais Sepultures did oppen, and they did ryſe, and appeared to mony, within the Cittie of Ieruſalem. It wes alſo confirmed be the teſtimonie of his Angels, and be the ſenſes and judgements of his Apoſtles, and of vthers, quha had conuerſatioun, and did eate and drink with him, after his Reſurrection.

11. Aſcenſion.

Luk 24. 51 Act 1. 9. Mat. 28. 6. Mar. 16. 9. Luk. 24. 6. Ioh. 20. 9. Mat. 28. 18 1. Ioh. 2. 1. 1. Tim. 2. 5 Pſal. 110. 1 Mat. 22. 44 Mar. 12. 36 Luke. 20. 42. 43. Act. 1. 1. Act. 3. 19. 2. Theſ. 1. 4. 5. 6. 7. 8. Mat. 25 34 Rev. 21. 27 Eſay 66. 24 Mat. 25. 41 Mar. 9. 44. 46. 48. Mat. 22. 13 2 Pet. 3. 11 2 cor. 5. 11 Luk. 21. 28 Ioh. 15. 1. &c. Eſay 7. 14. Eph. 1. 22. Col. 1. 18. Heb. 9. 11. 15. Heb. 10. 21 1. Ioh. 2. 1. 1. Tim. 2, 5

VVE nathing doubt, bot the ſelf ſame bodie, quhilk was borne of the Virgine, was crucified, dead, and buried, and quhilk did riſe againe, did aſcend into the heavens, for the accompliſhment of all thinges: quhere in our names, and for our comfort, he hes receiued all power in heauen and earth, quhere he ſittes at the richt hand of the Father inaugurate in his kingdome, Advocate and onelie Mediator for vs. Quhilk Glorie, honour, and prerogatiue, he alone amonges the brethren ſal poſſes, til that all his Enimies be made his futeſtule, as that we vndoubtedlie beleeue, they ſall be in the finall Iudgement: To the execution whereof we certainelie beleue, that the ſame our Lord IESVS ſall viſiblie returne, as that hee wes ſene to aſcend. And then wee firmely beleue, that the time of refreſhing and reſtitutioun of all things ſall cum, in ſamekle that thir, that fra the beginning haue ſuffered violence, iniurie, and wrang, for richteouſnes ſake, ſal inherit that bleſſed immortalitie promiſed fra the beginning. Bot contrariwiſe the ſtubburne, inobedient, cruell oppreſſours, filthie perſonis, Idolaters, and all ſuch ſortes of vnfaithfull, ſal be caſt in the dungeoun of vtter darkeneſſe, where the worme ſall not die, nether zit their fyre ſall bee extinguiſhed. The remembrance of quhilk day, and of the Iudgement to be executed in the ſame, is not onelie to vs ane brydle, whereby our carnal luſtes are refrained, bot alſwa ſik ineſtimable comfort, that nether may the threatning of worldly Princes, nether zit the feare of temporal death and preſent danger, moue vs to renounce and forſake that bleſſed ſocietie, quhilk we the members haue with our head & onelie Mediator CHRIST IESVS, whom we confeſſe and avow to be the Meſſias promiſed, the onlie head of his Kirk, our iuſt Lawgiuer, our onlie hie Prieſt, Advocate, and Mediator. In quhilk honoures and offices, gif man or Angell preſume to intruſe them ſelf, we vtterlie deteſt and abhorre them, as blaſphemous to our Soveraigne and ſupreme Governour CHRIST IESVS.

Faith

12 Faith in the holy Ghost.

THIS our Faith and the aſſurance of the ſame, proceeds not fra fleſh and blude, that is to ſay, fra na natural powers within vs, bot is the inſpiration of the holy Ghoſt: whome we confeſſe GOD equall with the Father, and with his Sonne, quha ſanctifyis vs, and brings vs in al veritie be his awin operation, without whome we ſulde remaine for euer enimies to GOD, and ignorant of his Sonne Chriſt Ieſus. For of nature we are ſo dead, ſo blind, and ſo peruerſe, that nether can we feill when we ar pricked, ſee the licht when it ſhines, nor aſſent to the will of God when it is reueiled, vnles the Spirit of the Lord Ieſus quicken that quhilk is dead, remoue the darkneſſe from our myndes, and bowe our ſtubburne hearts to the obedience of his bleſſed will. And ſo as we confeſſe, that God the Father created vs, when we were not: as his Sonne our LORD IESVS redeemed vs, when wee were enimies to him: ſo alſo do we confeſſe that the holy Ghoſt doth ſanctifie and regenerat vs, without all reſpect of ony merite proceeding from vs: be it before, or be it after our Regeneration. To ſpeak this ane thing zit in mair plaine words: As we willingly ſpoyle our ſelues of all honour, and gloir of our awin creation, and redemption: ſo do we alſo of our Regeneration & Sanctification: for of our ſelues we ar not ſufficient to think one gude thocht, bot he quha hes be gun the wark in vs, is onlie he that continewis vs in the ſame, to the praiſe and glorie of his vndeſerued grace.

Mat. 16. 17
Ioh. 14. 26
Ioh. 15. 26
Ioh. 14. 11.
Act. 5. 4.
Ioh. 16. 13.
Col. 2. 13.
Epheſ. 2. 1.
Iohn. 9. 39.
Reuel. 3. 17
Mat. 17. 17
Mar. 9. 19
Luk. 9. 41
Ioh. 6. 63.
Mica. 7. 8
1. King. 8. 58.
Pſa. 100. 3.
Rom. 5. 10.
Iohn 3. 5.
Titus. 3. 5.
Rom. 5. 8.
Phil. 3. 9
Phil. 1. 6.
2. Cor 3. 5
Eph. 1. 6

14 The cauſe of gude warkes

SA that the cauſe of gude warks, we confeſſe to be not our free wil, bot the Spirit of the LORD IESVS, who dwelling in our hearts be trewe faith, bringis furth ſik warkes, as God hes prepared for vs to walke in. For this wee maiſt boldelie affirme, that blaſphemy it is to ſay, that Chriſt abydes in the heartes of ſik, as in whome there is no Spirite of ſanctification. And therefore we feir not to affirme, that murtherers, oppreſſers, cruell perſecuters adulterers, huremongers, filthy perſouns, Idolaters, drunkards, thieues, and al workers of iniquity, haue nether trew faith, nether ony portion of the Spirit of the LORD IESVS: ſo long as obſtinatlie they continew in their wickednes. For how ſoone that euer the Spirit of the Lord Ieſus (quhilk Gods elect children receiue be trew faith) taks poſſeſſion in the heart of ony man, ſo ſoone dois he regenerate & renew the ſame man. So that he beginnis to hait that quhilk before he loued, & begins to loue that quhilk befoir he hated, & fra thine cummis that continuall battell, quhilk is betwixt the fleſh and the Spirit in Gods Children: till the fleſh & naturall man, according to the awin corruption, luſtes for things pleiſand & delectable vnto the ſelf, and grudges in aduerſity, is lyfted vp in proſperity, and at euery moment is prone & reddie to offende the maieſtie of God. Bot the ſpirite of God, quhilk giues witneſſing to our Spirite, that we are the Sonnes of God, makis vs to reſiſt filthie pleſures, and to groane in Gods preſence, for deliuerance fra this bondage of corruption: And finally to triumph ouer ſin, that it reigne not in our mortall bodyis. This battell hes not the carnal men, being deſtitute of Gods Spirite, bot

Eph. 2. 10.
Phil. 2. 13.
Ioh. 15. 5
Rom. 8. 9.
Rom. 7. 15. 16. 17. &c.
Gal. 5. 17.
Rom. 8. 16.
Rom 7. 24
Rom. 8. 22
Rom. 6. 12.
Eph 4. 17 18. 19.

bot dois followe and obey ſinne with greedines, and without repentance, euen as the Devill, and their corrupt luſtes do prick them. Bot the ſonnes of
2. Tim. 2. 26. God, as before wes ſaid, dois fecht againſt ſinne, dois ſob and murne, when they perceiue themſelues tempted in iniquitie: & gif they fal, they riſe againe with earneſt and vnfained repentance, and thir thingis they do not be their
Ioh. 15. 5. awin power, bot be the power of the Lord IESVS, without whom they were able to do nothing.

15 What warkes ar reputed gude beſoir God.

VVE confeſſe and acknawledge, that God hes given to man his holy Law, in quhilk not only ar forbidden all ſik warkes as diſpleis and
Exod. 20. 3. &c. offend his godly Majeſtie, bot alſwa ar commanded al ſik as pleis him, and as
Deut. 4. 7. &c. he hes promiſed to rewaird. And thir warks be of twa ſortes. The ane are done to the honour of God, the vther to the profite of our Nichtbouris: and both haue the reveiled will of God for their aſſurance. To haue ane God, to worſchip and honour him, to call vpon him in all our troubles, reverence his
Luk. 2. 75. Mica. 6. 11 holy name, to heare his word, to beleue the ſame, to cõmunicate with his holy Sacraments, are the warkes of the firſt Tabill. To honour Father, Mother,
Eph 6. 1. 7. Princes, Rulers, and ſuperiour powers: to loue them, to ſupport them, zea to
Ezech. 22. 1. &c. obey their charges (not repugning to the commaundement of God) to ſaue the liues of Innocents, to repreſſe tyrannie, to defend the oppreſſed, to keepe
1. Cor. 6. 19. 20. our bodies cleane and halie, to liue in ſobernes and temperance, to deall juſtlie with all men both in word and deed: and finally, to repreſſe all appetite of
1 Theſ. 4. 4. 5. 6. our Nichtbouris hurt, are the gude warkes of the ſecund Tabill, quhilk are
Iere. 22. 3. 9. &c. maiſt pleiſing and acceptabill vnto God, as thir warkes that are commanded
Eſay. 5 c. 1. &c. be himſelfe. The contrary quhairof, is ſinne maiſt odious, quhilk alwayes
1. Theſ. 4. 6. diſpleiſis him, and provokes him to anger: As not to call vpon him alone, when we haue need, nor to hear his word with reverence, to contemne and deſpiſe it, to haue or worſchip Idols, to maintene and defend Idolatrie, lichtlie to eſteeme the reverend name of God, to prophane, abuſe, or contemne the Sacraments of Chriſt Ieſus, to diſobey or reſiſt ony that God hes placed in Authoritie (quhill they paſſe not over the boundes of their office) to mur-
Rom. 13. 2 Ezech 22. 13. &c. ther, or to conſent thereto, to beare hatred, or to let Innocent blude bee ſched, gif wee may withſtand it. And finally, the tranſgreſſion of ony vther commandement in the firſt or ſecund Tabill: we confeſſe and affirme to be
1 Ioh. 3. 4. ſinne, by the quhilk Gods anger and diſpleſure is kindled againſt the proud vnthankfull warld. So that gude warkes we affirme to be thir onlie, that are
Rom. 14. 23. done in faith, and at Gods commandement, quha in his Lawe hes expreſſed
Heb. 11. 6. what the thingis be that pleis him. And evill warkis we affirme not only thir
1 Sam. 15. 22. that expreſſedly ar done againſt Gods commaundement: bot thir alſwa that
1. Cor. 10. 31. in matteris of Religioun, and worſchipping of God, hes na vther aſſurance bot the inventioun and opinioun of man: quhilk God fra the beginning hes
1 Ioh. 3. 4. ever rejected, as be the Prophet *Eſay*, and be our Maiſter CHRIST IESVS we
Eſay 29 13 Mat. 15. 9. Mark. 7. 7. ar taught in thir words, *In vaine do they vvorſchip me, teaching for doctrines the precepts of men.*

16 The perfectioun of the Law, and the imperfectioun of man.

THE Law of God we confeſſe and acknawledge maiſt juſt, maiſt equall, maiſt halie, and maiſt perfite, commaunding thir thingis, quhilk being wrocht in perfectioun, were abill to giue life, and abill to bring man to eternall felicitie. Bot our nature is ſa corrupt, ſa weake, and ſa vnperfite, that we ar never abill to fulfill the warkes of the Law in perfectioun. Zea, gif we ſay we haue na ſinne, evin after we ar regenerated, we deceiue our ſelues, and the veritie of God is not in vs. And therfore, it behoovis vs to apprehend Chriſt Ieſus with his juſtice and ſatisfaction, quha is the end and accompliſhment of the Law, be quhome we ar ſet at this liberty, that the curſe & maledictioun of God fall not vpon vs, albeit we fulfill not the ſame in al pointes. For God the Father beholding vs, in the body of his Sonne Chriſt Ieſus, acceptis our imperfite obedience, as it were perfite, and couers our warks, quhilk ar defyled with mony ſpots, with the juſtice of his Sonne. We do not meane that we ar ſo let at liberty, that wee awe na obedience to the Law (for that before wee haue plainly confeſſed) bot this we affirme, that na man in earth (Chriſt Ieſus onlie except) hes giuen, giues, or ſall giue in worke, that obedience to the Law, quhilk the Law requiris. Bot when we haue done all things, we muſt fall downe and vnfeinedly confeſſe, that we are vnprofitable ſeruands. And therfore, quhoſoeuer boaſtis themſelues of the merits of their awin works, or put their truſt in the works of Supererogation, boaſt themſelues in that, quhilk is nocht, and put their truſt in damnable Idolatry.

Leuit. 18. 5
Gal. 3. 12.
1. Tim. 1. 18.
Rom. 7. 12
Pſal. 19. 7. 8 9. &c.
Deut 5 29
Rom. 10. 3
1. King. 8. 46.
2. Chro. 6. 36.
Eccle. 7. 22
Pro. 20. 9.
1. Iohn. 1 8
Rom. 10. 4
Gal 3. 13.
Deu. 27 26
Phil 2. 15.
Eſay 64. 6.
Luk. 17. 10

17 Of the Kirk.

AS we beleue in ane God, Father, Sonne, and halie Ghaiſt: ſa do we maiſt conſtantly beleeue, that from the beginning there hes bene, & now is, & to the end of the warld ſall be, ane Kirk, that is to ſay, ane company and multitude of men choſen of God, who richtly worſhip & imbrace him, be trew faith in Chriſt Ieſus, quha is the only head of the ſame kirk, quhilk alſwa is the bodie & ſpouſe of Chriſt Ieſus, quhilk Kirk is Catholike, that is, vniverſal, becauſe it conteinis the Elect of all ages, of al Realmes, Nations, and tounges, be they of the Iewes, or be they of the Gentiles, quha haue communion and ſocietie with God the Father, and with his Son Chriſt Ieſus, throw the ſanctificatioun of his haly Spirit, and therefore is it called the communioun, not of prophane perſounes, bot of Sancts, quha as citizenis of the heauenly *Ieruſalem*, haue ye fruitioun of the maiſt ineſtimable benefites, to wit, of ane God ane LORD IESVS, ane Faith, and ane Baptiſme: out of the quhilk Kirk, there is nouther lyfe, nor eternall felicitie. And therefore we vtterly abhorre the blaſphemie of them that affirme, that men quhilk liue according to equitie and juſtice, ſal be ſaued, quhat Religioun that euer they haue profeſſed. For as without CHRIST IESVS, there is nouther life nor Saluation: ſo ſall there nane be participant thereof, bot ſik as the Father hes giuen vnto his Sonne CHRIST IESVS, and they that in time cum vnto him, avowe his doctrine and beleeue into him, (we comprehend the Children with the faithfull parentes) this Kirk is Inviſible, knawen onelie to God, quha

Mat. 28. 20
Ephes 1. 4
Col. 1. 18.
Eph. 5. 23. 24. 25. 29.
Apoc. 7. 9.
Eph. 2. 19.
Eph. 4. 5.
Iohn 5 24.
Iohn 17. 6.

bot dois followe and obey ſinne with greedines, and without repentance, euen as the Devill, and their corrupt luſtes do prick them. Bot the ſonnes of
2. Tim. 2. 26. God, as before wes ſaid, dois fecht againſt ſinne, dois ſob and murne, when they perceiue themſelues tempted in iniquitie: & gif they fal, they riſe againe with earneſt and vnfained repentance, and thir thingis they do not be their
Ioh. 15. 5. awin power, bot be the power of the Lord IESVS, without whom they were able to do nothing.

15 What warkes ar reputed gude beſoir God.

VVE confeſſe and acknawledge, that God hes given to man his holy Law, in quhilk not only ar forbidden all ſik warkes as diſpleis and
Exod. 20. 3. &c. offend his godly Majeſtie, bot alſwa ar commanded al ſik as pleis him, and as
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Iere. 22. 3. 9. &c. our Nichtbouris hurt, are the gude warkes of the ſecund Tabill, quhilk are
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Leuit. 18. 5
Gal. 3. 12.
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17 Of the Kirk.

AS we beleue in ane God, Father, Sonne, and halie Ghaist: sa do we maist constantly beleeue, that from the beginning there hes bene, & now is, & to the end of the warld sall be, ane Kirk, that is to say, ane company and multitude of men chosen of God, who richtly worship & imbrace him, be trew faith in Christ Iesus, quha is the only head of the same kirk, quhilk alswa is the bodie & spouse of Christ Iesus, quhilk Kirk is Catholike, that is, vniversal, because it conteinis the Elect of all ages, of al Realmes, Nations, and tounges, be they of the Iewes, or be they of the Gentiles, quha haue communion and societie with God the Father, and with his Son Christ Iesus, throw the sanctificatioun of his haly Spirit, and therefore is it called the communioun, not of prophane persounes, bot of Sancts, quha as citizenis of the heauenly *Ierusalem*, haue ye fruitioun of the maist inestimable benefites, to wit, of ane God ane LORD IESVS, ane Faith, and ane Baptisme: out of the quhilk Kirk, there is nouther lyfe, nor eternall felicitie. And therefore we vtterly abhorre the blasphemie of them that affirme, that men quhilk liue according to equitie and justice, sal be saued, quhat Religioun that euer they haue professed. For as without CHRIST IESVS, there is nouther life nor Saluation: so sall there nane be participant thereof, bot sik as the Father hes giuen vnto his Sonne CHRIST IESVS, and they that in time cum vnto him, avowe his doctrine and beleeue into him, (we comprehend the Children with the faithfull parentes) this Kirk is Invisible, knawen onelie to God, quha

Mat. 28. 20
Ephes 1. 4
Col. 1. 18.
Eph. 5. 23. 24. 25. 29.
Apoc. 7. 9.
Eph. 2. 19.
Eph. 4. 5.
Iohn 5 24.
Iohn 17. 6.

1.Tim.2.19 quha alane knawis whome he hes choſen, and comprehends aſweill (as ſaid
Ioh.13.14. is) the Elect that be departed, commonlie called the Kirk Triumphant, and
Eph.1.10 they that zit liue and fecht againſt ſinne and Sathan, as ſall liue hereafter.
Col.1.10.
Heb.12.4.

18 The immortalitie of the Saules.

Apo.14.13 THE Elect departed are in peace and reſt fra their labours: not that they
Eſay.25.8 ſleep, and come to a certaine oblivion, as ſome Phantaſtickes do affirme:
Apoc.7. bot that they are delivered fra all feare and torment, and all temptatioun, to
16.17. Apoc.21.4 quhilk we and all God his Elect are ſubject in this life, and therfore do beare
Apoc.16. the name of the Kirk Militant: As contrariwiſe, the reprobate, and vnfaithfull
10.11. Eſa.66.24. departed haue anguiſh, torment, and paine, that cannot be expreſſed. Sa that
Mar.9.44. neither are the ane nor the vther in ſik ſleepe, that they feele not their tor-
46.48. Luk.23.43 ment, as the Parable of Chriſt Ieſus in the 16. of *Luke*, his words to the thiefe
Luk.16. and thir wordes of the ſaules crying vnder the Altar: *O Lord, thou that art*
24.25. *righteous and iuſt, How long ſall thou not revenge our blude vpon thir that dwell in*
Apo.6.9. *the Earth*, dois declair.
10.

19 Of the notes, be the quhilk the trewe Kirk is decerned, fra the falſe, and quha ſall be Iudge of the doctrine.

BECAVSE that Sathan from the beginning, hes laboured to deck his peſtilent Synagoge with the title of the Kirk of GOD, and hes inflamed the heartes of cruell murtherers, to perſecute, trouble and moleſt, the trewe
Geneſ.4.8. Kirk and members thereof, as *Cain* did *Abell*, *Iſmael Iſaac*, *Eſau Iacob*, and the
Gen.21.9. haill Prieſthead of the Iewes Chriſt Ieſus himſelfe, and his Apoſtles after
Gen.27.41 Mat.23.34 him. It is ane thing maiſt requiſite, that the true Kirk be decerned fra the fil-
Iohn.15. thie Synagogues, be cleare and perfite notes, leaſt we being deceived, receiue
18.19. Ioh.11.35 and imbrace to our awin condemnatioun, the ane for the vther. The notes,
Ioh.15.20 ſignes, and aſſured takens, whereby the immaculate Spouſe of Chriſt Ieſus
24. Act.4.1. is knawen fra the horrible harlot, the Kirk Malignant: We affirme are neither
&c. Act.5.17. Antiquitie, Title vſurped, Lineal deſcence, Place appointed, nor Multitude
&c. of men approving ane error: for *Cain* in age and title was preferred to *Abel*
Geneſ.4.1 and *Seth*: *Ieruſalem* had prerogatiue aboue all places of the Earth, where alſo
Pſal.48.1.2 were the Prieſts lineally deſcended fra *Aaron*, And greater number followed
Mat.5.35 Ioh.12.42. the Scribes, Phariſies, and Prieſtes, then vnfainedly beleeued and approved
Eph.2.20 Chriſt Ieſus and his doctrine: and zit as we ſuppoſe, no man of ſound judg-
Act.2.42 Ioh.10.27. ment, wil grant that ony of the forenamed, were the Kirk of God. The notes
Ioh.18.37 therefore of the trew Kirk of God, we beleeue, confeſſe and avow to be, firſt
1.Cor.1.13 the trew preaching of the worde of God, into the quhilk God hes revealed
1.Cor.11 himſelfe vnto vs, as the writings of the Prophets and Apoſtles dois declair.
20.23. Mat.28 Secondly, the right adminiſtration of the Sacraments of Chriſt Ieſus, quhilk
19.20. Mar.16.15. mon be annexed vnto the word and promiſe of God, to ſeale and confirme
Rom.4.11. the ſame in our hearts. Laſt, Eccleſiaſticall diſcipline vprightlie miniſtred, as
Mat.18.15 God his worde preſcribes, whereby vice is repreſſed, and vertew nuriſhed.
16.17. 1.Cor.5.5. Whereſoever then thir former notes are ſeene, and of ony time continue (be
Mat.18.20 the number never ſo fewe about two or three) there without all doubt is the
trew Kirk of Chriſt: who according vnto his promiſe, is in the midſt of them.

Not

Not that vniverſall, of quhilk we haue before ſpoken, bot particular, ſik as wes in *Corinthus*, *Galatia*, *Epheſus*, and vther places, in quhilk the Miniſtrie wes planted be Paull, and were of himſelfe named the kirks of God: and ſik kirks, we the inhabitantis of the Realme of SCOTLAND, profeſſoris of Chriſt Ieſus, profeſſis our ſelfis to haue in our Citties, townes, & places reformed, for the doctrine taucht in our Kirkis, conteined in the writen worde of God, to wit, in the buiks of the auld, and new Teſtamentis, in thoſe buikis we meane, quhilk of the ancient haue bene reputed canonicall. In the quhilk we affirme, that all thingis neceſſary to be beleeved, for the ſalvation of mankinde, is ſufficiently expreſſed. The interpretation quhairof, we confeſſe, neither appertaines to private, nor publick perſone, neither zit to ony Kirk, for ony preheminence, or prerogatiue perſonallie or locallie, quhilk ane hes aboue ane vther, bot apperteines to the Spirite of God, be the quhilk alſo the Scripture was written. When controverſie then happines, for the right vnderſtanding of ony place or ſentence of Scripture, or for the reformation of ony abuſe within the Kirk of God, we ought not ſa meikle to luke what men before vs haue ſaid or done, as vnto that quhilk the halie Ghaiſt vniformelie ſpeakes, within the body of the Scriptures, and vnto that quhilk Chriſt Ieſus himſelfe did, and commanded to be done. For this is ane thing vniverſallie granted, that the Spirite of God, quhilk is the Spirite of Vnitie, is in nathing contrarious vnto himſelfe. Gif then the interpretation, determination, or ſentence of ony Doctor, Kirk, or Councell, repugne to the plaine worde of God, written in ony vther place of the Scripture, it is a thing maiſt certaine, that there is not the true vnderſtanding and meaning of the haly Ghaiſt, although that Councels, Realmes, and Nations haue approved and receiued the ſame. For we dare not receiue nor admit ony interpretation, quhilk repugnes to ony principall point of our faith, or to ony vther plaine text of Scripture, or zit vnto the rule of charitie.

1. Cor. 1. 2. 2. Cor. 1. 1. Gal. 1. 2. Eph. 1. 1. Act 16 9. 10 & 18. 1. &c. 1. Cor. 1. &c. Act. 20 17. &c. Ioh. 20. 31 2. Tim 3. 16. 17. 2. Pet. 1. 20 21. Ioh. 5. 29. Ephes. 4. 4.

20 *The authoritie of the Scriptures.*

AS we beleeue and confeſſe the Scriptures of God ſufficient to inſtruct, and make the man of God perfite: ſo do we affirme, and avow the authoritie of the ſame, to be of God, and nether to depend on men, nor angels. We affirme therefore, that ſik as allege the Scripture, to haue na vther authoritie, bot that quhilk it hes receiued from the kirk, to be blaſphemous againſt God, and injurious to the trew Kirk, quhilk alwaies heares and obeyis the voice of her awin ſpouſe and Paſtor, bot takes not vpon her to be Maiſtres over the ſamin.

1. Tim. 3. 16. 17. Ioh. 10. 27.

21 *Of generall Councels, of their Power, Authoritie, and cauſe of their Convention.*

AS we do not raſhlie damne that quhilk godly men aſſembled togither in generall Councel lawfully gathered, haue proponed vnto vs, ſo without juſt examination, dare we not receiue quhatſoever is obtruded vnto men vnder the name of generall councels: for plaine it is, as they wer men, ſo haue ſome of them manifeſtlie erred, and that in matters of great weight and im-

Gal. 2. 11 12. 13. 14.

portance. So farre then, as the councell previs the determination and commandement that it giues, bee the plaine worde of God: ſo ſoone do
1.Tim.4.1 2.3. we reverence and imbrace the ſame. Bot gif men vnder the name of a councel, pretend to forge vnto vs, new Artickles of our faith, or to make conſtitutionis repugning to the word of God: then vtterlie we muſt refuſe the ſame, as the doctrine of Devils, quhilk drawis our ſaules from the voyce of our onlie God, to follow the doctrines and conſtitutiones of men. The cauſe
60.2.18.19 20.21.22. 23. then quhy that generall Councellis conuened, was nether to make ony perpetual Law, quhilk God before had not maid, nether zit to forge new Artickles of our beleife, nor to giue the word of God authoritie, meikle les to make that to be his word, or zit the trew interpretation of the ſame, quhilk wes not before, be his haly will, expreſſed in his word: bot the cauſe of Councellis (we meane of ſik as merite the name of Councellis) wes partlie for confu-
Act.15.1. &c. tation of hereſies, and for giving publick confeſſion of their faith, to the poſteritie following, quhilk baith they did by the authoritie of Gods written word, & not by ony opinion or prerogatiue, that they culd not erre, be reaſſon of their generall aſſemblie: And this we judge to haue bene the chiefe cauſe of general councellis. The vther wes for gude policie & ordour, to be
1.tim.3.15 Heb.3.2. 1.Cor.14. 40. conſtitute and obſerved in the Kirk, quhilk (as in the houſe of God) it becummis al things to be done decently and in ordour. Not that we think, that any policie, & an ordour in ceremonies, can be appoynted for all ages, times and places: for as ceremonies, ſik as men haue deviſed, ar bot temporall: ſo may and aucht they to be changed, when they rather foſter ſuperſtition, then that they edifie the Kirk, vſing the ſame.

22 *Of the Sacramentes*

Gen.17.10 Exod.12.3 &c. Gen.17.4. Nom.9.13 Mat.28.19 Mar.16.17 Mat.26.26 Mar.14.22 Luk.22.19 1.Cor.11 24. AS the Fatheris vnder the Law, beſides the veritie of the Sacrifices, had twa chiefe Sacramentes, to wit, Circumciſion & the Paſſe-over, the deſpiſers and contemners whereof, were not reputed of Gods people: ſa do we acknawledge and confeſſe, that we now in the time of the Evangell, haue twa chiefe Sacramentes, onelie inſtituted be the Lord Ieſus, & commanded to be vſed of all they, that will be reputed members of his body: To wit, Baptiſme, and the Supper or Table of the Lord Ieſus, called the Communion of his body & blude. And thir Sacramentes aſweil of auld, as of new Teſtament,
1.Cor.10. 16. now inſtituted of God, not onelie to make ane viſible difference, betwixt his people, and they that wes without his league: bot alſo to exerce the faith of his Children, and be participation of the ſame Sacramentes, to ſeill in their hearts the aſſurance of his promiſe, & of that moſt bleſſed conjunction, vnion and ſocietie, quhilk the elect haue with their head Chriſt Ieſus. And this wee vtterlie damne, the vanitie of they, that affirme Sacramentes to be na-
Rom.6.3. 4.5. Gal.3.27. thing elſe bot naked & baire ſignes. No, wee aſſuredlie beleeue, that be Baptiſme, we ar ingrafted in Chriſt Ieſus, to be made partakers of his Iuſtice, be quhilk our ſinnes ar covered and remitted. And alſwa, that in the Supper richtlie vſed, CHRIST IESVS is ſo joyned with vs, that hee becummis very nuriſhment and fude of our ſaules. Not that we imagine anie tranſubſtantiation of Bread into Chriſtes body, and of Wine into his naturall blude, as the Papiſtes haue perniciouſlie taucht, and damnablie beleeved:

bot

bot this vnioun and conjunction, quhilk we haue with the body & blude of Christ Iesus in the richt vse of the Sacraments, wrocht be operatioun of the haly Ghaist, who by trew faith caryis vs aboue al things that are visible, carnal, and earthly, & makes vs to feede vpon the body and blude of Christ Iesus, quhilk wes anes broken and shed for vs, quhilk now is in heaven, and appearis in the presence of his Father for vs: And zit notwithstāding the far distance of place, quhilk is betwixt his body, now glorified in heaven, and vs now mortal in this earth: zit we man assuredlie beleue, that the bread quhilk wee break, is the communion of Christes bodie, and the cupe quhilk we blesse, is the communion of his blude. So that we confesse, and vndoubtedlie beleeue, that the faithful in the richt vse of the Lords Table, do so eat the bodie and drinke the blude of the Lord Iesus, that he remaines in them, and they in him. Zea, they are so maid flesh of his flesh, and bone of his bones, that as the eternal God-head hes given to the flesh of Christ Iesus (quhilk of the awin conditioun and nature wes mortall and corruptible) life and immortalitie: so dois Christ Iesus his flesh and blude eattin and drunkin be vs, giue vnto vs the same prerogatiues. Quhilk albeit we confesse, ar nether given vnto vs at that time onelie, nether zit be the proper power and vertue of the Sacrament onelie: zit we affirme that the faithfull, in the richt vse of the Lords Table, hes conjunctioun with Christ Iesus: as the naturall man can not apprehend: zea, and farther wee affirme, that albeit the faithfull oppressed be negligence, and namelie infirmitie, dois not profite sameikle, as they wald, in the verie instant action of the Supper: zit sall it after bring frute furth, as liuelie seid sawin in gude ground. For the haly Spirite, quhilk can neuer be diuided fra the richt institutioun of the Lord Iesus, wil not frustrat the faithfull of the fruit of that mysticall action, bot all thir we say cummis of trew faith, quhilk apprehendis Christ Iesus; who only makis this Sacrament effectuall vnto vs. And therefore whosoeuer sclanders vs, as that we affirme or belevis Sacraments to be naked and bair Signes, do injurie vnto vs, and speaks against the manifest trueth. Bot this liberallie and franklie wee confesse, that we make ane distinctioun betwixt Christ Iesus in his eternall substance, and betuixt the Elements of the Sacramentall Signes. So that wee will nether worshipe the Signes, in place of that quhilk is signified be them, nether zit doe we dispise & interpret them, as vnprofitable and vaine, bot do vse them with all reverence, examining our selues diligentlie, before that so we do. Becausse we are assured be the mouth of the Apostle, that sik as eat of that bread, and drink of that cupe vnworthelie, are guiltie of the bodie and blude of Christ Iesus.

Mar. 16. 19
Luk. 24. 51
Act 1. 11.
Act 3 21.
1. Cor. 10.
Eph 5. 30.
Mat. 27. 50
Mar. 15. 37
Luk. 23. 46
Ioh. 19. 30
Ioh. 6 51.
53. 54. 55.
56. 57. 58
1. Cor. 11. 28. 29.

23 *Of the richt administration of the Sacraments.*

THAT Sacraments be richtlie ministrat, we Iudge twa things requisite: The ane, that they be ministrat be lauchful Ministers, whom we affirme to be only they, that ar appoynted to the preaching of the word, into quhais mouthes God hes put sum Sermon of exhortation, they being men lauchfullie chosen thereto be sum Kirk. The vther, that they be ministrat in sik elements, and in sik sort, as God hes appointed, else we affirme that they cease

to be the richt Sacramẽts of Christ Ieſus. And therfore it is, that we fly the doctrine of the Papiſtical Kirk, in participation of their ſacraments: firſt, becauſe their Miniſters are na Miniſters of Chriſt Ieſus, zea (quhilk is mair horrible) they ſuffer wemen, whome the haly Ghaiſt will not ſuffer to teache in the Congregatioun, to Baptize: and ſecundly, becauſe they haue ſo adulterated both the one Sacrament and the vther, with their awin inuentions, that no part of Chriſts action abydes in the originall puritie. For Oyle, Salt, Spittill, and ſiklyke in Baptiſme, ar bot mennis inuentiouns. Adoration, Veneration bearing throw ſtreitis and townes, & keiping of bread in boxes or buiſtes, ar prophanatioun of Chriſts Sacraments, and na vſe of the ſame. For Chriſt Ieſus ſaide, Take, eat &c. do ze this in rememberance of me. Be quhilk word & charge, he ſanctifyed bread and wine, to the Sacrament of his halie bodie and blude, to the end, that the ane ſuld be eaten, and that all ſuld drinke of the vther, and not that thay ſuld be keiped to be worſhipped & honoured, as God as the Papiſtes haue done heirtofore. Who alſo committed Sacrilege, ſteilling from the people the ane parte of the Sacrament, to wit, the bleſſed cupe. Moreover, that the Sacraments be richtly vſed, it is required, that the end & cauſe, why the Sacramentis were inſtitute, bee vnderſtand and obſerved, aſweil of the miniſter, as of the receiueris. For gif the opinion be changed in the receiuer, the richt vſe ceaſſis, quhilk is maiſt evident, be the rejectiõ of the ſacrifice, as alſo gif the teacher planely teache fals doctrine, quhilk were odious and abhominable before God (albeit they were his awin ordinance) becauſe that wicked men vſe thẽ to an vther end, then God hes ordaned. The ſame affirme we of the Sacraments in the Papiſticall Kirk: in quhilk we affirme the haill action of the Lord Ieſus to be adulterated, aſweill in the external forme, as in the end and opinion. Quhat Chriſt Ieſus did, and cõmanded to be done, is euident, be the Evangeliſtes, and be Saint Paull: quhat the Preiſt dois at his altar, we neid not to rehearſe. The end & cauſe of Chriſts inſtitution, and why the ſelfeſame ſuld be vſed, is expreſſed in thir words, Doe ze this in rememberance of me, als oft as ze ſall eat of this bread, & drinke of this Cupe, ze ſall ſhaw furth, that is, extoll, preach, magnifie, and praiſe the Lords death, til he cum. Bot to quhat end, & in what opinioun the Preiſtes ſay their Meſſe, let the worde of the ſame, their awin Doctouris & wrytings witnes. To wit, that they, as Mediatores betuixt Chriſt, and his Kirk, do offer vnto God the Father, a Sacrifice propitiatorie, for the ſinnes of the quick & the dead. Quhilk doctrine, as blaſphemous to Chriſt Ieſus, & making derogation to the ſufficiencie of his only Sacrifice, once offered for purgatioun of all they that ſall be ſanctifyed, we vtterly abhorre, deteſt and renounce.

Mat. 26, 26 &c.
Mar. 14. 22 &c.
Luk 22. 19 &c.
1. Cor. 11. 24.
1. Cor. 11. 25. 26.
Heb 9. 27. 28.

24 *To whome Sacraments appertaine.*

VVE Confeſſe & acknawledge, that Baptiſme apperteinis aſweil to the infants of the faithfull, as vnto them that be of age & diſcretion, and ſo we damne the error of the Anabaptiſts, who denies baptiſme to apperteine to Children: before that they haue faith and vnderſtanding, bot the Supper of

Col. 2. 11. 12
Rom. 4 11
Gen. 17. 10
Mat. 28. 19

of the Lord, we confesse to appertaine to sik onely, as be of the houshald of Faith, and can trie and examine themselues, aswell in their faith, as in their dewtie towards their Nichtbouris. Sik as eate and drink at that haly Table without faith, or being at dissension and division with their brethren, do eat vnworthelie: And therefore it is that in our Kirk, our Ministers tak publick & particular examination, of the knawledge and conversation of sik, as are to be admitted to the Table of the Lord Iesus. 1. Cor. 28 29.

25 Of the Civile Magistrate.

VVE confesse and acknawledge Empyres, Kingdomes, Dominiouns, and Citties, to be distincted and ordained be God: the powers and authoritie in the same, be it of Emperours in their Empyres, of Kings in their Realmes, Dukes and Princes in their Dominions, and of vthers Magistrates in the Citties, to be Gods haly ordinance, ordained for manifestatioun of his awin glory, and for the singular profite and commoditie of mankind: So that whosoever goeth about to take away, or to confound the haill state of Civile policies, now long estabilshed: we affirme the same men, not onely to be enimies to mankinde, but also wickedly to fecht against God his expressed will. Wee farther confesse and acknawledge, that sik persouns, as are placed in authoritie, ar to be loved, honoured, feared, and halden in most reverent estimatioun: becauſe that they are the Lieu-tennents of God, in whose Sessiouns, God himself dois sit, and judge: zea, even the Iudges and Princes themselues, to whome be God is given the sword, to the praise and defence of gude men, and to revenge and punish all open malefactors. Mairover to Kings, Princes, Rulers and Magistrates, wee affirme that chieflie and most principallie the conservation and purgation of the Religioun appertaines, so that not onlie they are appointed for Civill policie, bot also for maintenance of the trew Religioun, and for suppressing of Idolatrie and Superstitioun whatsoeuer. As in *David, Ioſaphat, Ezechias, Ioſias*, and vthers highlie commended for their zeale in that caice, may be espyed. And therefore wee confesse and avow, that sik as resist the supreme power, doing that thing quhilk appertains to his charge, do resist God his ordinance: And therefore cannot be guiltles. And farther we affirme, that whosoever denies vnto them ayde, their counsell and comfort, quhiles the Princes and Rulers vigilantly travell in execution of their office, that the same men deny their helpe, support and counsell to God, quha be the presence of his Lieu-tennent, dois craue it of them. Rom. 13.1 Titus. 3 1. 1. Pet. 2.13 Rom. 13.2 Rom. 13.7 1. Pet. 2 17 Psal. 82.1 1. Chro 22 23.24.25 26. chap. 2. Chron. 17. 7. 2. Chro. 29 30. & 31 chapters. 2. Chro. 34 & 35. cap.

26 The guiftes freelie giuen to the Kirk.

ALBEIT That the word of God trewly preached, and the Sacraments richtlie ministred, and Discipline executed, according to the worde of God, be the certaine & infallible Signes of the trew Kirk, we meane not that euerie particular persoun ioyned with sik company, be ane Elect member of CHRIST IESVS: For we acknawlege and confesse, that Dornell, Cockell, and Caffe, may be sawen, grow, and in great aboundance lie in the midst of the Wheit, that is, the Reprobate may be ioyned in the societie of the Elect, and may externally vse with them the benefites of the worde and Sacra- Mat. 13.24 25.26. &c.

ments. Bot sik being bot temporall professoures in mouth, bot not in heart, do fall backe and continew not to the end. And therefore haue they na fruite of Christs death, Resurrection, nor Ascension: bot sik as with heart vnfainedly beleeue, and with mouth bauldely confesse the Lord Iesus, as before we haue said, sall most assuredly receiue thir guiftes. First in this life remission of sinnes, and that be only faith in Christs blude. In samekle, that albeit sinne remaine and continuallie abyde, in thir our mortall bodies, zit it is not imputed vnto vs, bot is remitted, and couered with Christs Iustice. Secundly, in the general Iudgement, there sall be giuen to euery man and woman resurrection of the flesh. For the Sea sal giue her dead: the Earth they that therin be inclosed, zea the Eternall our God sal stretche out his hand on the dust, and the deade sall arise vncorruptible, and that in the substance of the selfe same flesh that euery man now beiris, to receiue according to their warkes, glory, or punishment. For sik as now delyte in vanity, cruelty, filthynes, superstition, or Idolatry, sal be adjudged to the fire vnquencheable. In quhilk they sall be tormented for euer, asweill in their awin bodyes, as in their saules, quhilk now they giue to serue the Deuill in all abhomination. Bot sik as continew in weil doing to the end, bauldely professing the Lord Iesus: we constantly beleue, that they sall receiue glorie, honor, and immortality, to reigne for euer in life euerlasting, with Christ Iesus, to whose glorified body all his Elect, sall be made lyke, when he sall appeir againe in judgement, and sall rander vp the kingdome to God his Father, who then sall bee, and euer sall remaine all in all things God blessed for euer. To whome with the Sonne, and with the haly Ghaist, be all honour and glorie, now and euer. So be it.

Math. 13. 20. 21. Rom. 10. 9 13.

Rom. 7. & 2. cor. 5. 21 Ioh. 5. 28. 29 Apo. 20. 23 Iob. 19. 25. 26. 27. Mat. 25. 31 apo. 14. 10

Rom. 26. 7. 8 9 10. Phil. 3. 21. 1 Cor. 15. 24. 28.

ARise (O Lord) and let thy enimies be confounded, let them flee from thy presence, that hate thy godlie Name. Giue thy seruands strenth to speake thy word in bauldnesse, and let all Nationns cleaue to thy trew knawledge. Amen.

Nom. 9. 35 Psal. 68. 1 Act. 4. 29.

Thir Acts and Artickles ar red in the face of Parliament, & ratifyed be the thre Estatis, At Edinburgh the 17. day of August, the zeir of God 1560. zeiris.

5 *Anent the Messe abolished, and punishing of all that hearis or sayis the samin.*

ITEM, Our Souerane Lord, with aduise of his deareſt Regent, & thre Estaits of this present Parliament ratifyis & appreuis the Act vnder written, maid in the Parliament halden at Edinburgh, the 23. day of August, the zeir 1560 zeiris. And of new in this present Parliament statuts & ordanis, the said Act to be as an perpetuall Law, to al our Soueraine Lords lieges in al times to cum; Of the quhilk, the tenour followes. The quhilk day, forsameikle as almichty God be his maist trew & blessed word, hes declared the reuerence, & honor quhilk suld be giuen vnto him. And be his Sonne IESVS CHRIST hes

hes declared the trew vſe of the Sacraments, willing the ſame to be vſed, according to his will and word. Be quhilk it is notour, and perfitelie knawen, that the Sacramentes of Baptiſme, and of the Bodie and bloud of IESVS CHRIST, hes bene in all times by-paſt corrupted, be the Papiſticall Kirk, and be their vſurped Miniſters. And preſentlie, notwithſtanding the reformatioun alreadie made, according to Gods word: Zit there is ſum of the ſaid Papis Kirk, that ſtubburnely perſeueris in their wicked Idolatrie, ſayand Meſſe, and Baptizand, conforme to the Papis Kirk, prophanand therethrow the Sacraments foirſaides, in quiet and ſecreete places, therethrow nouther regardand God, nor his word. THERFOIRE, it is ſtatute and ordaned in this preſent Parliament, that na maner of perſoun, or perſonnis, in onie time cumming, adminiſtrat ony of the Sacraments foirſaids, ſecreetly, or ony vther maner of way, but they that are admitted, and hauand power to that effect. And that na maner of perſoun nor perſounis, ſay Meſſe, nor zit hear Meſſe, nor be preſent theirat, vnder the paine of confiſcatioun of all their gudis mouabill, and vnmouabil, and puniſhing of their bodyes at the diſcretioun of the Magiſtrat, within quhais Iuriſdictioun ſik perſonnis happinnis to be apprehended, for the firſt fault. Baniſhment of the Realme, for the ſecond fault: And Iuſtifying to the death, for the third fault. And ordainis all Schireffes, Stewards, Baillies, and their deputes, Proueſtes, and Baillies of Burrowes, and vthers Iudges quhatſumeuer, within this Realme, to take diligent ſute and jnquiſitioun, within their bounds, quhair ony ſik vſurped Miniſterie is vſed, Meſſe ſaying, or they that beis preſēt at the doing thereof, ratifyand, and approouand the ſamin, take & apprehend theme, to the effect, that the paines aboue written may be execute vpon them. And therefore of new decernis, & ordanes the contraveneris of the ſamin, in ony tyme heirafter, to be puniſhed according to the paines of the aforeſaid Act abouerehearſed.

6. *Anent the trew and haly Kirk, and of them that ar declared not to be of the ſamin.*

ITEM, forſamekle as the Miniſters of the bleſſed Evangel of IESVS CHRIST whom God of his mercie hes now raiſed vp amangſt vs, or heirafter ſall rayſe, aggreeing with them that now liuis, in doctrine and adminiſtratioun of the Sacraments, & the peopill of this Realme, that profeſſis CHRIST, as he now is offered in his Evangel, & do communicat with the haly Sacraments (as in the reformed Kirkes of this Realme they are publicklie adminiſtrat) according to the Confeſſioun of the Faith: Our Soueraine Lord, with aduiſe of my Lord Regent, & three Eſtatis of this preſent Parliament, hes declared, and declaris, the foreſaid perſones, to be the onely true and halie Kirk of IESVS CHRIST within this Realme. And decernis and declaris, that all and ſindrie, quha outher gainſayis the worde of the Evangell, receiued and approued, as the heades of the Confeſſioun of Faith profeſſed in Parliament of before, in the zeir of God 1560 zeires, as alſo ſpecified in the Actes of this Parliament mair particularlie dois expreſſe, and nowe ratifyed and approoued in this preſent Parliament, or that refuſis the participatioun of the halie Sacramentes, as they are nowe Miniſtrat,

To be na members of the ſaid Kirke, within this Realme now preſently profeſſed, ſa long as they keepe them ſelues ſa divided fra the ſocietie of Chriſts bodie.

7 *Admiſsioun of Miniſters: Of laïck Patronages.*

ITEM, It is ſtatute, and ordaned be our ſoueraine Lord, with aduiſe of his deareſt Regent, and thre Eſtaitis of this preſent Parliament, that the examination & admiſſion of Miniſters, within this Realme, be only in the power of the Kirk, now openlie, and publickly profeſſed within the ſamin. The preſentation of laïck Patronages alwaies reſerued to the Iuſt & auncient Patrones. And that the Patroun preſent ane qualified perſoun, within ſex Monethes (after it may cum to his knawledg, of the deceaſe of him, quha bruiked the Benefice of before) to the Superintendent of thay partis, quhair the Benefice lyes, or vthers hauand cõmiſſion of the kirk to that effect; vtherwaies the Kirk to haue power to diſpone the ſamin to ane qualifyed perſon for that time.

PROVIDING that in caice the Patron preſent ane perſon qualified to his vnderſtanding, and failzeing of ane, ane vther within the ſaid ſex Moneths, and the ſaid Superintendẽt or Commiſſioner of the Kirk, refuſis to receive and admit the perſon preſented be the Patron, as ſaid is: It ſal be leſum to the Patron to appeale to the Superintendent, & miniſters of that Prouince quhair the Benefice lyis, & deſire the perſon preſented to be admitted, quhilk gif they refuſe, to appeale to the generall Aſſemblie of this haill Realme, be quhome the cauſe beand decyded, ſal tak end, as thay decerne and declair.

8 *Anent the Kingis aith, to be giuen at his Coronation.*

ITEM, becauſe that the increaſe of vertew, and ſuppreſſing of Idolatrie craues, that the Prince and the people be of ane perfite Religioun, quhilk of Gods mercie is now preſently profeſſed within this Realme: THEIRFORE it is ſtatute, and ordained be our Soveraine Lord, my Lord Regent, and three Eſtaites of this preſent Parliament, that all Kinges and Princes, or Magiſtrates whatſoever, halding their place, quhilkis hereafter in ony time ſall happen to reigne, & beare rule over this Realme, at the time of their Coronatioun, and receipt of their Princely authoritie, make their faithfull promiſe be aith, in preſence of the Eternall God, That induring the haill courſe of their liues, they ſall ſerue the ſamin Eternall God, to the vttermoſt of their power, according as he hes required in his maiſt haly word, reveiled & contained in the new and auld Teſtaments. And according to the ſamin worde ſall mainteine the trew Religion of Chriſt Ieſus, the preaching of his halie word, and dew and richt miniſtration of the Sacraments now receiued, and preached within this Realme: And ſall aboliſh and gainſtand all fals Religioun contrare to the ſamin: And ſall rule the peopill committed to their charge, according to the will and commaund of God, reveiled in his foreſaide word, and according to the louabill Lawes, and conſtitutions receiued in this Realme, na wiſe repugnant to the ſaid word of the Eternall God. And ſal procure to the vttermaiſt of their power, to the kirk of God, and hail Chriſtian

ſtian peopil, trew and perfite peace in all time cumming. The richtis and rentis, with all juſt privileges, of the Crowne of SCOTLAND, to preſerue and keip inviolated, nouther ſall they transfer nor alienate the ſamin. They ſall forbid and repreſſe in all eſtaites, and degries, reife, oppreſſion, and all kinde of wrang. In all judgementes, they ſal command, and procure that Iuſtice and equitie be keiped to all creatures, without exception, as the Lord and Father of al mercyis, be mercifull to them. And out of their landes and Empyre, they ſal be careful to rute out all heretikes, and enimies to the trew worſhip of God, that ſalbe convict be the trew Kirk of God, of the foirſaidis crymes. And that they ſall faithfullie affirme the things aboue written, be their ſolemne aith.

9 *Na perſon may be Iudge procurator, notar, nor member of Court, quha profeſsis not the Religion.*

ITEM, The Kings grace with adviſe of my Lord Regent, & three Eſtaites of this preſent Parliament, ſtatutes and ordanis, that no maner of perſon nor perſons, be receiued in ony times heirafter, to bear publike office removabil of judgement, within this Realme, bot ſik as profeſſis the puritie of Religion and doctrine, now preſentlie eſtabliſhed. And that nane be permitted to procure, nor admitted Notar, or created a member of Court, in any time cumming, without he in likewiſe profeſſe the Evangell, and Religion foirſaid. Providing alwaies, that this Act be on na wiſe extended, to ony maner of perſon or perſones, hauand their offices heritablie or in life-rent, bot that they may vſe the ſamin, conforme to their infefments, and diſpoſitions granted to them thereof.

10 *Anent the thridis of beneſices, granted in the Moneth of December, the zeir of God 1561. zeiris, for ſuſteining of the Miniſters and vther affaires of the Prince.*

ITEM, Becauſe the Miniſters hes bene lang defrauded of their ſtipendis, ſwa that they ar becumin in great povertie & neceſſity. And notwithſtanding hes cõtinued in their vocatiõ, without payment of their ſtipẽdis, be an great ſpace. Quhairthrow they ar & ſal be conſtrained to leiue their vocation without remeid be provided. THEREFORE our Soueraine Lord, with adviſe of my Lord Regent, and three Eſtaites of this preſent Parliament, hes ſtatute and ordaned, that the hail thrids of the haill Beneſices of this Realme, ſall now inſtantlie, and in all times to cum, firſt bee payed to the Miniſters of the Evangell of Ieſus Chriſt, & their ſucceſſours. And ordanes the Lords of the Seſſion to grant, and giue letteris, chargeing al and ſundrie intromettours, or that beis addebted in payment of the ſamin, to aunſwere & to obey the ſaidis Miniſters & their Collectours, to be nominate be the ſaidis Miniſters, with adviſe of my Lord Regent, in forme as effeiris, Notwithſtanding anie diſcharge given be our Soveraine Lordis Mother, to quhat-

quhatſumever perſon or perſons, of the ſaid thride, or ony pairt thereof, ay and quhill the Kirk come to the full poſſeſſioun of their proper Patrimonie, quhilk is the teindes. PROVIDING alwaies, that the Collectors of the ſaidis Miniſters, mak zeirlie compt in the Chekker of their intromiſſioun. Swa, that the Miniſters may be firſt anſwered of their ſtipendis, appertayning to everie ane of them. And the reſt and ſuperplus to be applied to our Soueraigne Lords vſe.

11 The teacheris of zouth, ſuld be tryed be the viſitoris of the Kirk.

ITem, forſameikle, as be all Lawes and conſtitutionis, it is provided, that the zouth be brocht vp and inſtructed in the feare of God, and gude maneris: and gif it be vtherwiſe, it is tinſell baith of their bodies and ſaules, gif Gods word be not ruted in them. QVHEIRFOIRE, our Soueraigne Lorde, with aduiſe of my Lorde Regent, and three Eſtaites of this preſent Parliament, hes ſtatute and ordaned, that all Schulis to Burgh and land, and al Vniverſiteis & Colleges be reformed: And that nane be permitted nor admitted, to haue charge and cure theirof in time cumming, nor to inſtruct the zouth privatlie or openlie: bot ſik as ſall be tryed be the Superintendentes or viſitouris of the Kirk.

12 Anent the diſpoſitioun of Proveſtries, Prebendaries, and Chaplaneries, to burſaris to be found in Colleges.

ITEM, Forſameikle as the zouth is not onelie ſeene to preſerue the common weill, bot alſwa of them mon riſe ſik, as after this mon ſerue in the Kirk of God, within this Realme, and to the commoun weill of the ſamin. And becauſe the povertie of many is in ſik ſort, that they may not hald their Children at letteris, quhairby the maiſt part of the zouth of this Realme wantis the guiftis and graces of learning, requiſite to that charge. For remeid heirof: OVR SOVERAINE LORD, with adviſe and conſent of my my Lord Regent, and three Eſtaites of this preſent Parliament, hes ſtatute and ordaned, that al Patronis hauand Proveſtries, or Prebendaries of Colleges, Alterages or Chaplaneries, at their giftis and diſpoſitioun, may in all times cumming, at their pleaſure preſent the ſamin to Burſaris, quhom they pleiſe to name, to ſtudie vertew & letteris, within ane College of ony of the Vniuerſiteis of this Realme, there to remaine for ſik ſpace, as the Patron foirſaid pleaſis to hald him at vertew and learning, within the foirſaid College, and as ſall be aggried vpon be the Patronis of the ſaidis Proueſtries, or Prebendaries, with the Principall and Maiſters of the College of the Vniverſities. And after the Patron remoue that Burſar furth of the ſaid College, to preſent ane vther, And ſwa furth fra ane to ane vther, to the effect foirſaid, at the Patronis pleaſure: notwithſtanding ony fundatioun, or confirmatioun paſt, be quhatſumeuer authoritie in ony times bygaine. Anent the quhilk our Soveraine Lord, my Lord Regent, and three Eſtaites of this preſent Parliament, diſpenſis: Swa that the ſaidis Patronis may diſpone their Proueſtries, and Prebendaries, to ſik Burſaris, as they ſall think expedient, als

oft

oftas neid beis. Quhilk ſallbe na hurt, nor prejudice to their Patronage, notwithſtanding their fundationes, and Confirmationes quhatſumeuer, or ony proviſion conteined thereintil. And therefore our SOVERAINE LORD, my Lord Regent, and three Eſtaitis foreſaides, heartelie requeſts all Patrones of Colleges, Prebendaries, and Proveſtries, to graunt and diſpone their Proveſtries and Prebendaries to the Burſaris foreſaidis, in maner aboue ſpecified. Swa that letters may be authorized, and the zouth ſufficientlie brought vp in vertew and learning, to the glory of God, and comfort of the common weill of this Realme.

13 *Anent the filthie vice of Fornication, and puniſhment of the ſamin.*

ITEM, It is ſtatute, and ordaned be our Soveraine Lord, with adviſe and conſent of his deareſt Regent, & three Eſtaites of this preſent Parliament, that gif ony perſon, or perſonis within this Realme, to Burgh or to land, ſall commit the filthie vice of Fornication, and beis convict thereof, that the committeris thereof, ſalbe puniſhed in maner following. That is to ſay, for the firſt fault, aſweil the man, as the woman, ſall pay the ſumme of fourtie pundis: Or then baith he, and ſhe, ſall be impriſoned for the ſpace of aucht dayes, their fude to be breade and ſmall drinke. And thereafter preſented to the mercat place of the Towne or Parochin bair-headed, & there ſtand faſtened, that they may not remoue, for the ſpace of twa houres: as fra ten houres to twelue houres at noone. For the ſecond fault being convict, they ſall pay the ſumme of ane hundrethmarkes, or then the foirnamed dayis of their impriſonment ſall be doubled, their fude to be bread and water allanerlie. And in the end, to be preſented to the ſaid mercat place, and baith the headis of the man & the woman to be ſchaven. And for the third fault, being convict thereof, ſall pay ane hundreth pundis, Or elſe their aboue impriſonment to be tripled, their fude to be breade and water allanerlie. And in the end, to be tane to the deipeſt and foulleſt pule, or water of the Towne, or Parochin, there to be thriſe dowked, and theirafter baniſhed the ſaid Towne, or Parochin for ever. And fra thine furth, how oft that ever they be convict, of the foreſaide vice of Fornication, that ſa oft the ſaid thrid penaltie be execute vpon them. And that the Proveſt and Baillies of ilk Burgh, the juſtice generall, and his deputes, or ſik vthers perſones, as ſall pleaſe our ſaid Soveraine Lord to giue commiſſion vnto, be Iudges to the perſones ſuſpect, & delated of Fornication: and being convict, they ſall lift and vptake the aboue written pecuniall paines, of the perſones reſponſall, & rather willing to pay the ſamin, nor to be demained in their perſones. And that the ſaidis corporall paines of impriſonment, baniſching, and vthers aboue ſpecified, be execute vpon all ſik perſones, as outher refuſis to pay the pecuniall paines, or that ar not reſponſall to pay the ſamin. And that the ſamin pecuniall paines, quhilkes ſall happen to be received, be ſurelie keiped in ane cloſe box, and be converted *ad pios vſus*, in they partis, quhair the cryme is committed, as it ſall pleaſe our ſaid Soveraine Lord, and his deareſt Regent to commande.

And

And the receivers of the ſaid paynes, to bee ready to giue accompt thereof, quhen ever they ſall be requyred therevnto.

14 Anent them that committis Inceſt.

ITEM, Forſameikle as the abhominable, vile, and filthie luſt of Inceſt, is ſa abhominable in the preſence of God, and that the ſamin Eternall God, be his expreſſe word, hes condemned the ſamin, and zit nevertheleſſe the ſaid vice is ſa vſed within this Realme, and the word of God is in ſik ſort contemned be the vſers thereof, that God be his juſt judgements hes occaſioun to plague the Realme, where the ſaid vice is committed, without God of his mercie be mair gracious, and remeid be provided, that the ſaid vice ceaſe in time cumming. THEREFOIR our Soveraine Lord, with adviſe and conſent of my Lord Regent, and three Eſtaites of this preſent Parliament, ſtatutes and ordanes, that quhatſumever perſon or perſones, that committes the ſaid abhominable cryme of Inceſt, That is to ſay, quhatſumever perſon or perſones they be, that abuſes their bodie with ſik perſones in degrie, as God his word hes expreſlie forbidden, in ony tyme cumming, as is contained in the xviij. Chapter of *Leviticus*, ſall be puniſhed to the death.

15 Anent lawfull marriage of the awin blude, in degries not forbidden be God his word.

ITEM, our Soveraine Lord, with adviſe & conſent of my Lord Regent, and three Eſtaites of this preſent Parliament, hes ſtatute, and ordaned, that the halie band of marriage, made be all eſtaites and ſorts of men and women, to be als lawfull and als frie, as the Lawe of God hes permitted the ſamin, to be done, without exception of perſon or perſones. And hes declared, and declares, that ſecunds in degrees of conſanguinitie, and affinitie, and all degries outwith the ſamin, contained in the word of the Eternal God, and that are not repugnant to the ſaid word, might, & may lawfully marry at all times ſen the viij. day of March, the zeir of God ane thouſand fiue hundreth fyftie aucht zeiris, notwithſtanding ony Law, ſtatute, or conſtitution maid in the contrare. And ratifyis and apprevis all the ſaid marriages done ſen the ſaid day. And the bairnis gottin, or to be gottin in ſik Mariage, to be as lauchfull, aſweil toward their ſucceſſioun to landis, heritages, or ony vther liberties, as ony bairnis gottin in Marriage, and to be repute and eſtemed, in all time to cume, lauchfullie gottin, in lauchful Marriage, notwithſtanding any Lawes, ſtatutes, conſtitutionis, or Actis, maid, or to be maid in the contrare.

16 Anent ſlaying of Hart, Hynde, and vtheris beaſtes and foulis with Culverings.

ITEM, Forſameikle as there hes bene divers Acts and ſtatutes made ofbefore, that na maner of perſon, nor perſonis ſuld ſchut with Culveringis, Crosbow, or handbow ony time, at Da, Ra, Hart, Hynde, Hair, Cunning, Dow,

Dow, Herron or foule of river, vnder ſpecial pains, conteined in the ſaidis acts and ſtatutes. And notwithſtanding the ſamin, and that na executioun hes followed of before, vpon the perſones contraueneris of the ſaidis Actes, they ar ſa lichtlie eſtemed, that the ſaidis beaſtes and foules, are at all times ſlaine down, and deſtroyed be ſik perſones, that nouther hes regaird to the commoun weill, nor policie of the countrie.

Theirfoir it is ſtatute and ordained, be our Soueraine Lord, with aduiſe of his Regent, and thre Eſtatis of this Realme, that quhatſumeuer perſon or perſonis, of quhat eſtaite, degree or conditioun that euer they be of, ſchuttis in ony times cumming, with Culvering, Croſ-bow, or hand-bow, at Da, Ra, Hart, Hynde, Hair, Cunning, Dow, Herron, or foule of riuer, within this Realme, ſall foirfault and tyne their haill mouabill gudis, that ane halfe thereof to our Soveraine Lordis vſe, and the vther halfe to be applyed to the Iudge, and apprehender of him that cummittis the crime, to bee diuided equallie betuixt them. And to that effect, ordanis all Schirreffes, Stewartes, Baillies of Regalitie, and all vther ordinar Iudges, with ſik vthers, as ſal pleaſe our Soueraine Lord, & his Regent giue power and commiſſioun, tō cal the contraueneris of this preſent Act, at particulare diettis. And gif they be convict of the crime, to eſcheit all their mouabill guddis, to be applyed in maner foirſaid. And gif the committer of the cryme be ane vagabound not hauand guddis, that the Iudge, quhom befoir he is conuict, keip and hald him in priſſon, for the ſpace of fourtie dayis. And that for the firſt fault. And the nixt fault, to cut of his richt hand.

17 Quhat money ſuld be cunzeit: Layed-money ſuld not be cunzeit without conſent of the Eſtaitis: Money ſuld not be melted.

ITem, Forſamekle as the ordouring of the Cuinze-hous, and forgeing of money within this Realme, is ane mater of great importance, to the haill liegis thereof, as may appeare bee diuers Actis, maide in our Soveraignis Lordis predeceſſouris Parliamentes of befoir. And ſeeing the greate neceſſity now required, for hauing of gude & ſufficient cuinzie within the realme, ſeeing the gude Silver, as Teſtones, and vther auld ſilver, is vtterlie melted & deſtroyed, ſwa that the vnce of ſilver, is at dowbill price, that it wount to be at, within thir late dayis, quhairthrow the Realme is vtterlie impoveriſhed be evill Cuinzie. Therefore it is declared, in this preſent Parliament, that our Soveraine Lord, with adviſe of his Regent, may cauſe prent and cuinze golde and ſilver of ſik fyneſſe, as vthers Countreis dois, to paſſe within this Realme to the lieges of the ſamin. And that na prent nor cuinzie of onie layed money, be maid or cuinzeit, in ony time cumming, but adviſe of the three Eſtaites of Parliament. And ſiklik, OVR SOVERAINE LORD with adviſe of his Regent, and three Eſtaites foirſaidis, ordanis, that na maner of Gold, nor Silver, alreadie cuinzeit within this Realme, bee melted, nor broken downe, in the Cuinzie-houſe, or otherwiſe in anie time heirafter, vnder the paine of confiſcation of the halfe of the guddes of the

awner, and melter for the first fault. And gif the melter be not responsall, to punish his person at the discretion of the Iustice. And the secund fault, confiscatioun of their hail guddis

18 The Lordis of Sessioun ar Iudges to all Infestmentes and giftes graunted, or confirmed in Parliament.

ITem, anent the petition proponed be the Senatoures of the College of Iustice, beirand that there is diuers persones, that hes persewed Actiones before them, for reduction of infeftmentes, quhilkis ar confirmed be our Soueraine Lordis Predecessoures, quhilkis ar granted and confirmed in Parliament. And against the samin it is alledged, that the saidis Senatoures are nawise Iudge competent, to the reduction of ony sik Infeftment.

Quhairfoir the saidis Senatoures hes referred the declaratioun, whither they be Iudge competent, to ony sik reduction or not, to our Soueraine Lord & three Estaites of Parliament. And therefore desiring the sensement, and declaratioun of this present Parliament, quhat they sall do thereanent: OVR SOVERAINE LORD, with aduise of his Regent, and three Estaites of this present Parliament, declairis the saids Senatouris of the College of Iustice, to be Iudges competent, to the reduction of all sik Infeftmentes, as said is, notwithstanding quhatsumeuer confirmation, or grant of Parliament past thereupon.

18 Anent schutting, and bearing of Culueringes and Dagges.

ITEM, Forsameikle as be the vse of Culveringes, Dagges, Pistolettes, and sik vther ingines of fire-warke, ar not onlie of the lovabill constitutions of this Realme, in slaying of wilde beastes, and foules forbidden, but als divers our Soveraine Lords lieges, ar schamefullie and cruellie murthered, slayne, and hurt, quhilkes vtherwise wer abil, to make defence sufficientlie for them selues, at all times of persute, as hes bene laitlie seene within this Burgh of *Edinburgh*. And for eschewing and remeid thereof in time cumming: Itis statute and ordaned be OVR SOVERAINE LORD, with advise and consent of his Regent, and three Estaites of this present Parliament, that na maner of person, nor persones, of quhatsumever estate, degree, or condition they be of, schutt with Culveringes, Dagges, Pistolettes, or any vther Gunnes, or ingins of fyre-warke, in any pairt of this Realme, nouther to Burgh nor to land (except sik, as for pastime will schutt within their Inner-clois, and zaird adjacent thereto, and Marinerres, & sik as hauntes the Seas, being actuallie vpon the samin, for defence of their bodies and guddes, vnder the paine of cutting of their right hand. And siklike, that na maner of person, nor persones, of quhat sumever estate, condition or degree they be of, beare, weare, or vse onie Culveringes, dagges, Pistolettes, or anie

vther

vther ſik ingine of fire-wark, vpon their perſones, or in their cumpanie with them privatlie or openlie, outwith houſis, without licence of our Soveraine Lorde, and his Regent had, and obteined therevpon, vnder the paine foirſaid. PROVIDING alwaies, that the Capitanis, and men of weir, ſerving our Soveraigne Lord, and his Regent foirſaide, actuallie in his highneſſe wages, nor zit the Liegis of this Realme, aſweill in Regalitie, as Royaltie at wepon-ſchawings. Nor the Proveſtes, Baillies, and inhabitantis of the Burgh of *Edinburgh*, or vtheris Burrowes of this Realme, charged be our Soveraine Lordis authoritie, to aſſemblies, wepon-ſchawingis, & conuentionis, for furthſetting of his highnes ſeruice and affaires, in the time thereof: nor zit nane of our Soveraine Lords liegis in their cumming, remayning, or departing to and fra ony hoſtes, weiris, armies, raidis, weponſchawings or aſſemblies, being ſpeciallie and expreſſelie commanded and charged, to that effect be his hieneſſe letteris, and authoritie, Wardanes meittand at dayes of trew. And ſiklike they that ar followand thieues, in defence of ſteilling of Leill mennis guddis, and in reſcours thereof, ſall not be comprehended vnder this preſent Act.

19 False Cunzie ſuld be clypped.

ITEM, Forſameikle for the aboliſhing of great quantitie of falſe cunzie, quhairwith the common weill of this Realme is greatlie troubled, to the heavie damnage, and skaith of the haill lieges thereof: THEREFOIR, it is deviſed, ſtatute, and ordaned, be our Soveraigne Lorde, with adviſe of his Regent, and three Eſtaites of this preſent Parliament, that certaine men of judgement, having vnderſtanding of cunzie, be choſen and elected, within everie Burgh of this Realme. Quha being ſworne thereto, all ſummes of money ſall bee delivered in their preſence, and quhair ever they apprehend, or finde any falſe money, to clip the ſamin. And the deliverer to tyne the ſaid falſe money, and the clipper to haue ane penny of ilk pound, for his labouris of the receiver of the money, quhilk ſalbe received. And to that effect, ordanes the Proveſt and Baillies, and all vthers officiaris of Burrowes, to make ſufficient clipping houſes, in ſik places of their Burgh, as ſalbe ſufficient for the premiſſes. And the perſonis, quhom to they cõmit that charge, that they be abill to anſwer for their office in that behalfe.

20 Approbation of giftis of benefices and penſionis, ſen the moneth of Auguſt 1560. zeirs, granted and given, be our Soveraine Lordis Mother.

ITEM, It is found, declared, ſtatute, and ordaned, be our Soveraine Lord, his Regentes grace, and three Eſtaites of this preſent Parliament, that all giftes and proviſionis of benefices electiue, penſionis, or vthers quhatſumever, given and diſponed vnder privie ſeil, be the Queenes grace, our Soveraigne Lordis Mother, in her Reigne, ſen the Parliament halden, in the zeir of God 1560. zeiris, vnto the Coronation of our ſaide Soue-

raine Lord, were, ar, and in all time cumming ſalbe, to the poſſeſſouris, be vertew thereof lauchfull, full, and perfite tytles and richtis, and als vailzeabill in all reſpectis, quhair ever they be produced, as gif the ſaidis proviſionis, and giftis had paſt vpon ſupplicationis, direct to the Court of *Rome*, and Bullis paſt therevpon, in maiſt ample forme.

Providing, that this preſent Act be not prejudiciall to the Act of ſecreit councel, granted in favouris of the Miniſters, anent the giving to them of all benefices, within zeirlie rent of three hundreth markis, ſen the dait of the ſaid Act, nor zit be prejudiciall to laïck Patronages.

21 *Anent thieft, and receipt of thieft, taking of priſoneris be thieuis, or bandis for ranſomis, and puniſchment of the ſamin.*

ITEM, Anent the Artickle proponed be the Barrones, free-halderis, and Inhabitantes of the Schirefdomes of *Selkirk*, *Roxburgh*, *Lanark*, *Peblis*, *Dumfreis*, *Edinburgh*, and vtheris inhabitantis of the remanent Schires of this Realme: beirand, that it is not vnknawin of the continuall thieft, reif, and oppreſſion, committed and done, within the boundis of the ſaidis Schirefdomes, be thieues, traitouris, and vtheris vngodlie perſones, havand nouther feare of GOD nor man, and ſpeciallie in thir troublis be receipteris, fortifieris, and mainteneris of the ſaidis evill giuen perſonis, amangis the inhabitantis and indwelleris of the ſaidis Schirefdomes *reſpectiuè*, within divers partis of the ſamin, quhilk is the chiefe cauſe, and fortification of the ſaid thieft. And ſiklike, that the thieues, and broken men, inhabitants of the ſaidis Schirefdomes, and vtheris boundis of the marches of this Realme, foirnentis the partis of *England*, not onlie cõmittis daylie thiftis, reiffis, heirſchippes murtheris, and fyre rayſings, vppon the peaceable ſubiects of the countrie: bot als takis ſindrie of them, deteinis them in captiuity as priſoners, ranſounis them, or lettis them to borrowis for their entrie againe. And in like maner, divers ſubjects of the Inland, takis and ſittis vnder their aſſurance, payand them black-maill, and permittand them to reif, herrie, and oppreſſe their Nichtbouris, with their knawledge, and in their ſicht, without reſiſtance or contradiction. For eſchewing and ſtopping of the quhilkis inconvenientis foirſaid:

It is ſtatute and ordaned, be our Soueraine Lord, his deareſt Regent, and three Eſtaites of this preſent Parliament, that quhatſumever perſon, or perſones, receiptis, fortifyis, mainteinis, or giuis meate, harbourie, or aſſiſtance to any thieuis in their thifteous ſtealling, and deedes, outherin their cumming thereto, or paſſing therefra, at any time cumming, or intercommonis, or tryſtis with them to that effect, any maner of way, without licence of the keeper of the countrie, quhair the thief remaines, had thereto, to the effect it may be knawin, for quhat purpoſe they intercommoned with the ſaidis thieues within xlviij. houris after, or before the committing of the ſaid cryme, that the receipter, fortifier, maintener, aſſiſter, meat-giuer, & intercommoner with ſik perſones, ſalbe called therefore at particular diettis criminally

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as airt and pairt of their thifteous deidis, or vtherwayis civilie at the inſtance of the partie offended vpon 15. dayis warning allanerlie, without diet or tabill. And als that the Schireffis of all Schires, Stewartes, Baillies of Regalitie, and their deputes, and all vther judges ordinar, at every head Court, put the ſaidis maters to the inquiſitioun of ane aſſyſe of the countrie, at the deſire and complainte of the partie, and as beis foundin, to report the ſamin to the Iuſtice, Iuſtice Clerk and their deputes, within 15. dayis nixt after the matter be tryed. Swa that this preſent Act and ſtatute, may be put to execution vpon them, as the ſaidis Schireffes, Stewartes, Baillies of Regalitie, & Iudges ordinar foirſaidis, wil anſwer to our Soueraine Lord, and his deareſt Regent, vpon the execution of their office: And alſwa for eſchewing of the ſaid great, continuall, and odious crimes and offenſes, and pacifying of the liegis in all partis oppreſſed within this Realme, & for the commoun weil thereof,

It is ſtatute and ordaned that na theif, tak ony Scottiſman, at onie time heireafter, vnder the paine of treaſſon and leſemajeſtie. And that nane of our Soueraine Lordes trew and faithfull liegis, quhilks haue bene takin be the ſaids thieues and broken men, ſal be halden to enter to them, notwithſtanding ony band given for their entrie, diſcharging them and their ſoverteis ſimpliciter in that behalfe. *Thieuis may not take leil-men, or ranſom them.*

And gif ony of the ſaidis thieuis callis or charges the principall men takin be them, or their ſouerty for their entres, for paymente of the paines conteined in the bands, or ony parte thereof, be ranſom or band, not payed to the ſaids thieues, outher bygane or in time cumming, they ſall (be the doing of the ſame) incurre and vnderlie the paines of treaſſoun, and leſe-majeſtie foirſaide.

And als that our ſaid Soueraine Lordis faithfull, and obedient ſubjectis, quhilkis heirefter ſall happin to tak and apprehende ony of the ſaidis thieuis, in their paſſing to committe thieft, or in the actual doing thereof, or in their returning therefra, on na wiſe let them to libertie and freedome, bot preſente them before the Iuſtice, and his deputis in the Tolbuith of *Edinburgh*, within fifetene dayis after their apprehenſion, gif their takeris (hauand power) juſtifye them not to the death them ſelfis. And als that nane take aſſurance, or ſitte vnder aſſurance of the ſaidis thieuis, or pay them blak maill or giue them meate, drinke, receipt, maintenance, or ſupply in their thifteous deidis in time cumming, vnder the paine of death, and confiſcatioun of all their guddis mouabil. And in like maner, quhen ony thieues repairis in ſteilling or reifing, within the Incountrie, that all our Soveraine Lordis liegis, dwelland in the bounds, quhair they reſort, riſe, crye, raiſe the fray, & follow them, aſweill in their cumming as outpaſſing, on horſe and fute, for redding and recovering of the guddis ſtollin and reft, and apprehending of their perſones to be brocht to Iuſtice, and concurre with the awners of the gudis, and vthers followers to that effect, vnder the paine to be halden partakers of the ſaid thift. And quhaſoever beis ſuſpected, or delated to doe in the contrare, that the Iuſtice Clerke grant letters, at the inſtance of any partie, for calling of them to vnderly the Law therefore, at ane particular dyet, complenand vpon the premiſſes, or ony poynt therof. Or accuſe them, for *Leil men ſuld preſent thieuis to the juſtice.* *Thieues ſuld be followed with ane crie.*

the ſamin at generall Iuſtice airis, executand the paines conteined in this preſent Act, againſt the contraveneris thereof, but fauour or delay. And gif it ſall happen ony oppen notorious thief, to reſort, or cum to ony maner of perſonis houſe, it ſalbe lawfull to the awner of the ſaide houſe, to take and apprehend that thief, without reproch or diſhonours, and bring him to the juſtice, to be puniſhed conforme to the Lawis.

22 That na horſe be caried furth of the Realme, as common Merchandice.

ITEM, Forſameikle as albeit there was divers Actes and ordinances maid of before, inhibeting the carying of ony Horſe foorth of this Realme, zit thir twa zeiris laſt by-paſt, divers perſones, partlie vnder pretence of priviledges and licences: and partlie without ony leiſe, hes tranſported Horſe foorth of this countrie, to *Bourdeaux*, and vtheris partes bezond ſea, and maid an common trade and mercat thereof, to the great skaith of the common weill, and rayſing of dearth of horſe, gif remeid be not provided.

THEIR FOIR, it is ſtatute and ordaned, by the Kings grace with adviſe of his deareſt Regent, and three Eſtaites of Parliament, that nane of the liegis of this Realme, take vpon hand, privatlie or openlie, to carry or tranſport foorth of the ſamin by Sea, ony maner of horſe in time cumming. And in likewiſe, that na skipperis and maiſteris of Schippis, indwelleris of this Realme, or ſtrangers, receiue within their Schippes ony Horſe, to bee tranſported to vther Countreis, vnder the paine of confiſcation of the Horſe, Schippes and remanent guddis movabill, of the tranſporteris, and puniſhing of their perſones, at the Kingis Maieſties will, and his ſaid Regentis.

23 The denunciation of the Rebellion ſuld preceid the gift of eſcheit.

ITEM, our Soveraigne Lorde, with adviſe and conſent of his deareſt Regent, and three Eſtaites of this preſent Parliament, hes ſtatute and ordaned, that in all times cumming, na gift of eſcheit paſſe, with this clauſe followiug, (Orquhen it ſall happen the offendar to bee denunced rebell, and put to the horne) bot that the horning, be execute befoir the gift of the eſcheit bee diſponed, vtherwiſe the gift of eſcheit to be of nane effect.

24 Anent privileges granted to Kirk-men.

ITEM, our Soveraine Lord, with adviſe and conſent of his Regent and three Eſtaites of this preſent Parliament, hes ratified, and ratifies, all civill priviledges, granted and giuen be our Soveraigne Lordis pre-

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deceſſouris to the ſpirituall eſtate of this Realme, in al poynts, after the forme and tenour theirof.

25 The ratification of the priuiledge of the Barrones.

ITEM, Our Soveraine Lord, with adviſe and conſent of his deareſt Regent, and three Eſtaites of this preſent Parliament, hes ratified and approved, all priviledges, and liberties, granted and given to the Nobilitie and Barrones of this Realme, and actes of Parliament, made in their favouris, and ordanis the ſame to be put to execution in all poyntes, after the forme and tenour theirof.

26 Anent priviledges granted to Burrowes.

ITEM, Our Soueraine Lord, with adviſe of his Regent, and three Eſtaites of this preſent Parliament, hes ratified and appreued, and be thir preſentes ratifies and appreues, all Actes and conſtitutiones of Parliament, maid bee quhatſumever our Soveraine Lordis predeceſſoures of befoir, in favouris of the Burrowes and Burgeſſes of all this Realme, inhabitantes of the ſamin, with all priviledges, fredomes, inmmunities and liberties, granted and given to them, and everie ane of them, in ony times by-paſt. And decernis and declaris, the ſamin to haue full ſtrength, force, and effect, in all times heirafter, ſwa that the ſamin may be put to full and dew execution in all poyntes, and to ſtand as ane perpetual Law to them and their ſucceſſouris.

27 Saiſings within Burghs, ſuld be given be ane Baillie, and the Clerks.

ITEM, Forſameikle as the great hurt, done of befoir within Burgh, be giuing of ſaiſingis priuatlie, without anie Baillie, and ane common Clerke of Burgh, quhairthrow our Soveraine Lordis liegis, may bee defrauded greatlie: THEIRFOR Eit is ſtatute, and ordaned be our Soveraine Lord, with adviſe and conſent of his Regent, and three Eſtaites of this preſent Parliament, that na ſaiſing be given within Burgh of ony maner of land or tenement within the ſamin, in ony time cumming, bot be ane of the Baillies of the Burgh, and common Clerke theirof. And gif ony ſaiſing beis vtherwaies given heirafter to be nul, and of nane availl force not effect.

28 Anent the declaratioun of the Commiſſeris, how they ſall proceid in beneficiall materis,

ITEM, Anent the Artickle proponed be the Commiſſeris of EDINBVRGH, beirand that there is diuers and ſundrie beneficiall Actiones depending before them, vpon the richt and propertie of the Benefices. Quhairein the ane part hes their prouiſioun of the gift of the Queene, and the vther of the ordinar, partlie bee dimiſſioun in his handes, partlie

be collation, as vacand. And ſum given be the ordinar, with the Queenes confirmation therevpon, and that ſen the reformation of the Religion. And therefore deſiring the determination to be given to them, quhilk of the gifts ſall haue place in time bygane, ſen the ſaide reformation, as alſwa in time cumming. Our Soveraine Lorde with adviſe of his Regent, and three Eſtaites of this preſent Parliament, hes decerned & declared, and decernis and declaris, that the ſaidis Commiſſeris, ſall at all times proceede, and miniſter juſtice in the ſaidis cauſis, be vertew of all giftis and diſpoſitions, granted and given be our Soveraine Lords deareſt Mother, ſen the Moneth of Auguſt, the zeir of God, ane thouſand fiue hundreth three ſcoir zeiris, and na vtherwiſe. And ſik like, conforme to the giftes, to be granted be our Soveraine Lord, or his Regent hereafter. And ordanis all giftis, and diſpoſitions, given be her, ſen the ſaid time, to haue place, and to proceide according thereto, but prejudice to the benefices of the laïck patronages, quhilkis ar not comprehended in this Act.

29 *Malt-men ſuld not haue ane Deakon.*

ITem, it is ſtatute and ordaned, be our Soveraine Lorde, his Regent, and three Eſtaits of this preſent Parliamẽt, for the common weil of this Realm, that there be na Deakon of craft of Malt-men, outher to Burgh or to land, or ony vther part within this Realme. And gif ony writing, gift, or priviledge be given ony time befoir: Our Soveraine Lorde, with adviſe of his Regent, and three Eſtaites foirſaidis, decernis and declaris the ſamin to haue bene fra the beginning, and to be in all time cumming null, and of nane availe, force nor effect. Sa that it ſal never be leſum to ony of the Malt-men of this Realme, to haue Deakons, bot to be repute na craft.

30 *Anent black fiſh, cutting of greene-wood, and ſlauchter of Smoltes*

ITEM, it is ſtatute and ordaned, be our Soveraine Lord, be adviſe of his Regent, and three Eſtaites of this preſent Parliament, that the Actes of Parliament, made be our Soveraine Lordis Predeceſſours of befoir, anent the ſlauchter of black fiſhe, Smoltes, and cutting of greene-wood, be put in execution in all poyntes. And that, the paynes be execute vpon them withal extremitie, & with this addition: That al Iudges ordinar, aſweil in Regalitie as Royaltie, & ſik vtheris, as ſal pleaſe our Soveraine Lord, and his Regent to giue power and commiſſion to that effect, to take vp dittay of the perſons contravenaris of the ſaidis Actis, and hauld twa Courts ilk zeir, that is to ſay, ane Court at Paſche, and ane vther at Martine-meſſe, for puniſhment to be maid, in maner foirſaid. (Providing alwaies, that this preſent Act be na wiſe extended to the ſlaying of reid fiche, in the water of *Twede*) and quha beis convict of the ſaid crime, ſall pay the paynes conteined in the ſaid Act. And als ſall finde caution, to pay an hundreth pundis, als oft as he contravenis the ſaidis Acts, to be applyed to our Soveraigne Lordis vſe.

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31 *Anent abrogating of all actes contrarie to the Religioun.*

IN the Parliament halden at *Edinburgh*, the 19. day of Aprill, the zeir of God 1567. zeiris. The quhilk day, the Quens M. hauing cõſidered the eſtate of hir M. realm, that it ſtude at, the time of hir arriual furth of *France*, & zit preſently ſtandis at. Foirſeing alſwa the cõmon weil of hir countrie greatumlie to be increaſed, & eſtabliſched be the keiping of the cõmon peace & quietnes, amangs al her ſubiects: & like as hir hienes ſen hir foirſaid arriual, hes attẽpted nathing contrare the eſtate of religiõ, quhilk her M. fand publiklie & vniverſallie ſtanding, at hir arriual foirſaid, quhairby hir M. is maiſt worthy to be ſerued, honored, & obeyed. Richt ſa hir hienes intends to continew in the ſamin gudnes & gouernement, in all times cũming, quhairby al her gude ſubiects, profeſſouris of the religion foirſaid, ſal haue occaſion to praiſe God, for her gude, happy & gratious gouernemẽt. And to craue of God fra the bottom of their hearts, that he wald of his infinit gudnes, proſper & blis hir M. & hir poſterity, with lang life gude & happy gouernemt, to rule & reigne ouer thẽ. And to the effect alſwa, that al hir hienes gude ſubiects, profeſſouris of the religion foirſaid, may aſſure thẽſelues to be in ful ſuretie therof, & of their landis, liues, benefices, dignities, juriſdictions, priviledges, guddis, fame, & honouris in time cũming. And with the better wil jeoparde & hazard their liues & guddes in her hienes ſervice, againſt al enemies to hir M. & to the cõmon weil of this realm at al times neidful as their predeceſſours hes maiſt frãkly done heirtofoir. And that without fear of any paine, puniſhment, tinſell of landis, benefices, and guddis, for profeſſing exercing & vſing of the ſaid religion, in times by-gane, and to be imputevnto them, or their airis, notwithſtanding any lawes, actis, & conſtitutionis, canon, civile or municipal, or vther quhatſumeuer ordinãce heirtofoir inſtitute in the cõtrare. And for their great ſurety foirſaid, our Sov. with the aduiſe of the hail three eſtaits of this parliamẽt, hes thocht neidful, & conveniẽt to diſpenſe, caſſe abrogat, & annull, like as her M. preſently diſpenſis, caſſis, abrogatis, & annullis, al & quhatſumever lawis, acts & cõſtitutionis canon, civile, or municipal with al other cõſtitutiõs & practick penal, introduced cõtrair to the foirſaid religion & profeſſors of the ſamin: and ordanis thẽ, & their poſterity, in al times to cum, to be fre, & exemed from al paine corporall, infamie, reproch, depriving fra benefices, dignities, or offices, or vther crime or paine quhatſumever, that may be incurred, or imputed to them, be vertew of the ſaidis Acts, Lawes, ordinances, canon, civile, or Municipal, & practicque, for contravening of the ſamin: renunce and the ſamin, & ſtrength therof, in favoris of our ſaidis ſubiects, to the effect foirſaid. And ſiklike, the Quenis M. of her authoritie royal, granted to hir be God, with the adviſe of the three eſtaites foirſaidis, takis to hir ſelfe, & her poſteritie, al her gude ſubiects, their benefices, lands, offices, guddis, & honouris, to be vnder ſure ſaifgard, maintenance, protection, & defence perpetually, againſt quhatſumever foreine authority, power, iuriſdiction, & perſute be it Eccleſiaſticall or tẽporall. Eximand hir foirſaidis ſubiects, fra all cõperance, ſũmoning or obedience, pretended heirafter againſt them, for the cauſes foirſaidis. Be quhatſumever foreine perſon, or vther pretendand iuriſdictiõ, or authoritie throw thẽ: Willing hir ſubiects to dwel in perpetual ſecurity, & quietnes within this realme, be making of their maiſt humble and faithfull obedience to hir hienes & hir poſterity, in al times cũming heirafter allanerly. Like as alſwa her Maieſtie (God willing) in times convenient, ſall take further

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ordour, in al vther poynts, cõcerning the eſtate of Religion, as may beſt ſerue for the glorie of God, commoun weil of this Realme, & continuing of common peace and quietneſſe vniverſallie amangis al her ſubiects. Commanding them, and everie ane of them; in al times heirafter, to keip mutual, perfite, and maiſt heartlie kindneſſe, loue, friendſhip, & neichbourhead, ilke ane to vthers, vnder all hieſt paine and charge, that heirafter may follow, for breaking of this preſent Act of Parliament, and her Majeſties maiſt lawfull commandement.

32 *Anent the prenting of the Acts, maide in this preſent Parliament, and of the Act maid in our Soveraines Grandſchirs time, anent the rayſing of fire & burning.*

ITEM, The xxix. day of December, the zeir of God, 1567. zeires, quhilk was the laſt day of this Parliamẽt, the ſamin being continued, to the xj. day of Iulij nixttocum: Our Soveraine Lord, with aduiſe of his Regent, and three Eſtaites of Parliament, hes ordaned, and ordanis, all and ſindrie the foirſaidis Acts of Parliament, to be authenticklie imprented: As alſwa, ordanis the Act of Parliament, maid in our Soveraigne Lordis vmquhile deareſt Gudſchirs Parliament, halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeiris, made anent burning of houſes, and vtheris ſpecified therein, to be alſwa imprented. Swa that nane of our Soveraine Lordis liegis, may pretend ignorance of the ſamin.

33 *Anent the rayſing of fire, and burning.*

ITEM, In the Parliament halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeires. The quhilk day, anent the Artickle of ſlauchteris, murtheris, burning: IT IS ſtatute and ordaned, that the Acts maid therevpon of before, and the auld Lawes be keiped, with this addition, that quha cummis and burnis folkis in their houſes, and cornes, and wilful fyre-rayſing, be treaſon, and leſe-majeſtie, becauſe ſik deides ar exorbitant, and mair againſt the common weil, then vther crymes. And particular Iuſtice airis, or generall Iuſtice airis, be ſet thereto, as ſall pleis the Kings Majeſtie, his councell, and the Iuſtice for the time, with their conſent. Providing, that it ſall be leſum, to ony man to perſew, and follow common thieues, and rebellis to take them. And gif they enter in houſes, that it ſalbe lawful to invade, break or deſtroy the ſaidis houſis, be fyre or vtherwiſe, to the intent and effect of taking, or ſlaying of the ſaidis thieues, or rebelles, for the quhilk there ſall follow vpon the doeris, na paine, accuſation, cryme, bot to be free theirof at all times.

Acts omitted in this firſt Parliament of K. IAMES 6.

Anent the dimiſſion of the Crown in favoures of our Soveraine Lord and his Majeſties Coronatioun.

Anent the juriſdictioun of the Kirk.

Anent the Act of Parliament maid of befoir of the declaratioun of our Soveraine Lordis Mothers perfite age.

Anent the retention of our Soveraine Lords Morher in priſon.

The declaratioun of Parliament maid to the Laird of Lochlevin, Anent the keeping of the Kingis Mother in the houſe and fortalice of Lochlevin.

A commiſſioun to certaine Lordes of the Eſtaites, to conſider ſik Artikles as ar committed to them, and to report the ſamin againe in the nixt Parliament.

Anent the reſidence and ſitting of the Lords of Seſſioun for miniſtratioun of Iuſtice.

Anent the demoliſhing of the Caſtell of Dumbar, and forte of Inchekeith.

FINIS.

THE SECOND PARLIAMENT OF KING IAMES THE SEXT, HALDEN AT STRIVILING, THE 28. DAIE OF AVGVST, 1571. AND the fift zeir of his reigne: Be his Gudſchir of gude memorie,

Matthew Earle of LENNOX &c. And ended the 7. day of *September* follow-and theirafter, be *Iohn* Earle of MAR, &c. Regents to his hieneſſe, Realme and lieges.

34 *Anent the nomination, election, acceptation, and approbation, of the Earle of* MAR *in Regent.*

IT IS found, declared, and decerned, be our Soueraine Lord, with adviſe of the three Eſtaites, and haill body of this preſent Parliament, that the nomination, conſtitution, election, and ordination of the Nobill and michtie Lord, *Iohn*, Erle of MAR, Lord ERSKIN, &c. in Regent to our Soueraine Lord, this his Realme and lieges theirof, during the time of his Majeſties minoritie and leſſe age, ſpecified & expreſſed in the Queene his hieneſſe mothers letters, vnder hir ſubſcription and privie-ſeale, of the dait the xxiij. day of Iulij, the zeir of God, 1567. zeiris. Togidder alſwa with the conſent, and approbation of the Erles, Lordes, Prelates, Commiſſioneres of Borrowes, Barrones, and vtheres faithfull ſubjects, convened and aſſembled to that effect. And the acceptation of the ſaid office of Regentrie be the ſaid Erle of MAR, vpon the vj. daye of *September* inſtant, wes, is, and in all time cumming ſalbe halden, repute, and eſteemed lauchfull, ſufficient, and perfite. And all, and quhatſomever things quhilkes he hes done, be vertew of his ſaid office of Regentrie, ſen his acceptation theirof, or quhilkes he ſall do heirafter, in our Soveraine Lordis name and authoritie, during the time of his hieneſſe minoritie, ſpecified in the ſaid Commiſſion, to be als dewlie, lauchfullie, ſufficientlie, and richteouſly done, and to haue als great availl, ſtrength, force and effect, in all reſpects and conditions, as ony thing done, be quhatſumever Regentes, Governers, or Protectoures of this Realme, in the minorities and les ages, of ony vthers natiue Princes of the ſame. And ratifies, appreues, and confirmes the ſame nomination, election, conſtitution, and acceptation for now, and in time cumming.

35 *Ratification of the freedome, and libertie of the trew Kirk of God.*

ITEM, Our Soueraine Lord, with adviſe and conſent of his ſaid Regent, three eſtaites, and hail bodie of this preſent Parliament, hes ratified, and be this preſent act ratifies and appreues, al, and quhatſomever actes, and ſtatutes made of befoir, be our Soveraine Lord, or his predeceſſoures, anent the freedome and libertie of the trew Kirk of God, & Religion, now publicklie profeſſed within this Realme.

Anent

36 *Anent Alienationes, and diſpoſitiones of perſones forefalted for the ſlaughteris of our Soveraine Lordis Father, or Regentes.*

ITEM, It is decerned, and declared be our Soveraine Lord, with adviſe of his Regentis grace, and three Eſtaites, that all Alienationes, Reſignationes, dimiſſiones, and vthers diſpoſitiones quhatſomever, maid or to be maid, be any perſon, or perſones convict, or that heirafter ſall happen in ony wiſe to be convict, or forefalted for airt and pairt of the treaſſonabill murtheres, and ſlauchteris of vmquhile our Soveraine Lordis deareſt Father, or Regentis, of quhatſumever landes, heritages, offices, benefices, rowmes, or poſſeſſiones, ſen the times *reſpectiuè*, fra the committing thereof, ar, and ſalbe null of them ſelues, & of nane availe, ſtrenth, force, nor effect in all times cumming, with all that followed, or ſall happen to follow thereupon.

37 *Anent the Vaſſalles and free-tennentes, of ſik as ar forefalted in this Parliament.*

ITEM, It is ſtatute, ordaned, and declared in plaine Parliament, be our Soveraine Lord, with adviſe and conſent of his ſaid Regent, three Eſtaites, & haill bodie of this preſent Parliament, that all perſones, our Soveraine Lordis trew and faithfull ſubjectes, quhilk hes ſerved, and ſerues his hienes, in maintenance of his authoritie: having landes, heritage, annual-rentes, life-rentes, penſiones, or poſſeſſiones quhatſumever, halden of ony perſones, called and forefalted in this preſent Parliament, of quhatſumever crymes of treaſſon, and leſe-maieſtie, ſal bruik and ioys their tenandries quhatſumever, notwithſtanding the forefalting of their ſuperiouris theirof, and hald the ſamin of their nixt immediat ſuperiour:

Providing alwaies, that in caſe ony of the ſaidis Vaſſalles, or vtheris that ſall happen to claime ony benefite, be vertew of this Act, at ony time heirafter, make defection fra our Soveraine Lordis authoritie, and obedience, or cum in the contrair theirof, that they, nor nane of them ſall haue, nor bruike the priviledge, and benefite of this preſent Act, and the ſamin ſall na wiſe be extended vnto them.

38 *Anent Landes, rowmes, and poſſeſsions halden of Frieres, or Nunnes within this Realme.*

ITEM, Forſameikle as there ar diverſe lieges, and ſubjectes of this Realme, quhilkes hes ſundrie landes, rowmes and poſſeſſiones, obteined be them, or their predeceſſouris, in fewe and heritage, of the Prioures or Prioreſſes, Motheres, and Conventes of ſundrie Frieres and Nunnes places, within this Realme, halden of them and their ſucceſſores. And now ſen the reformation of Religion the ſaides ſuperioures, ar for the maiſt part deceaſſed, & na vthers placed, nor to be placed in their rowmes, ſwa that within ſchort ſpace, they ſall all decay, quhairthrow the airis of the ſaides feweris. & vthers heritable tennents of the ſaides places, ſall get na entrie to their lands and heritages, halden of Frieres and Nunnes. For remeid therof, it is ſtatute and ordaned in this preſent Parliamenr, that all perſones, fewcris or heritabil tennents of ſik Frieres and Nunnes places, and their aires after the deceaſe,

decay

decay or inlaik of their ſaid ſuperiours, hald, & ſal hald their fewes, & tenandries of the ſamin, of our Soveraine Lord, and his ſucceſſoures, in all times cumming ſiklike, and as freely als they held the ſamin, of the places foirſaidis, Prioures, Prioreſſes, or vthers being theirin for the time. And the few mailles ſervices & dewties ſpecified, & conteined in their infeftments, to perteine to our Soveraine Lord, and his ſucceſſours, to be intrometted, vptaken, and diſponed at their pleaſure. And that the aires of the ſaidis fewares, and heritabill tennentes foirſaidis, ſall enter to their fewes and tenandries, be brieues of our Soveraine Lordis Chappell ſiklike, and als freelie, and in the ſamin maner as the fewares, and heritabill tenentes of our Soveraine Lordis propertie, in al times cumming.

39 *Anent alieationes, and vthers diſpoſitiones, maid be ony Burgeſſes, within this Realme, that hes maid defection, fra the Kings authoritie.*

ITEM, our Soveraine Lord, with adviſe and conſent of his ſaid Regent, three Eſtaites, and haill bodie of this preſent Parliament, hes ſtatute, ordaned, decerned, and declared, that all and ſundrie alienations, reſignations, and vthers diſpoſitions, quhatſumever maid, and given in ony wiſe, be ony perſones Burgeſſes, or inhabitantes, within the Burgh of *Edinburgh*, or ony vthers Burrowes of this Realme, quhilks hes maid defection fra our Soveraine Lordis authoritie, and aſſiſted and taken part with the conſpiratours, declared Traitours, to ony perſon or perſones, ſen the committing of the ſaidis crimes be them, or ony of them, of quhatſumever their landes, heritages, offices, takkes, ſteadings, rowmes or poſſeſſions quhatſumever, ar and ſal be in time cumming, null in them ſelues, and of nane availl, ſtrength, force, nor effect.

40 *That na ſchippes ſaill, without our Soveraine Lordis Cocquet.*

ITEM, it is ſtatute and ordaned, be our Soveraine Lord, his Regent foirſaid, the three Eſtaites, and haill body of this preſent Parliament, that na Schippes paſſe foorth of this Realme, to the Realme of *France*, or ony others pairts, without our Soveraine Lordis Cocquet.

41 *Anent Kirkmen that happinnis to be ſlaine in our Soveraine Lordis ſervice, in defence of his hienes authoritie.*

ITEM, Our Soveraine Lorde with adviſe of his Regents grace, three Eſtaites, and haill body of this preſent Parliament, hes ſtatute and ordained, that in caſe ony our Soveraine Lordes trew lieges, beneficed men happinnis to be hurt, ſlayne or wounded to the death, and thereafter of the ſaidis hurtes, or woundes to die in our Soveraine Lordes ſervice, and in defence of his Authoritie, at ony time, againſt the forfalted and declared Traytours, preſently being within the Caſtel & Burgh of *Edinburgh*, & vthers his Majeſties open & manifeſt enimies, reſiſters & conſpiratours againſt his hienes authoritie, during all the time of the open & manifeſt reſiſtance thereto, that the neareſt of the ſaid Beneficed mennes kyn, abill and qualified, ſall haue the preſentation, proviſion and collation of his benefice, for that time

allanerlie. And the ſamin to be diſponed to the neareſt of his kyn, that happenis to be ſlayne, or deceaſe, in maner foirſaid, being alwaies abill and qualified therefore, as ſaid is. And the profites of their benefices, with the fruits ſpeciallie on the ground, with the annat theirafter, to perteine to them, and their executors, aſweil Abbottes, Priores, as all vther Kirk-men.

42 Anent the waird, releif and Mariage of them, that ſall happen to be ſlayne in our Soveraine Lordes ſervice, in defence of his Maieſties authoritie.

ITem, my Lord Regentis grace, with adviſe of the three Eſtaites, and haill body of this preſent Parliament, hes ſtatute and ordaned, that in caſe ony Erles, Lords, Barrounes, free-halders, landed-men, gentle-men, or ony vther perſon or perſones, ſall happen to be ſlayne, hurt, or wounded to the death, and theirafter of the ſaid hurtes to die, at ony time, in defence of our Soveraine Lordis authoritie, againſt certaine his forefalted & declared tratoures, preſentlie being within the Caſtel and Burgh of *Edinburgh*, and vthers his Majeſties open and manifeſt enimies, reſiſters and conſpiratours againſt his hieneſſe authoritie, during all the time of the oppen and manifeſt reſiſtance theirto: That their aire or aires, ſal haue their Ward, none-entries, releife, and mariage free, of our Soveraine Lord, diſpenſand with their minoritie and leſſe age, quhat eild that ever they be of: without payment of ony teynd penny, or vther profite theirfoir. And ſiklike, of all vthers Lordes Spiritual and Temporal, baith of vaſſalles & ſubvaſſales. Pro-viding, that the aires foirſaids, perſew and obteine entres of their over-lordes, within three termes after the deceaſe of their Fathers, or quhatſumever vther perſonnes, quhom to they ar to ſucceede, for the cauſes foirſaidis. And gif the ſaidis aires be of leſſe age, within tutorie, and beis not entred to their landes and heritage, befoir their age of xiiij. zeires, quhilk may be throw negligence of their tutours, and vthers their friends. Our Soveraine priviledgis and graunts to them, that they may enter, within three termes nixt after their compleit age of xiiij. zeires, as ſaid is, and this to be extended to the mediat aire, that is to ſucceede to the perſon, that happinnis to deceaſe, during the time and in maner foirſaid. And becauſe it may happen the perſon, or perſones that happinnis to deceaſe in this maner, and during the time foirſaid, to haue maa lauchfull bairnes of their bodies by the aire: Theirfoir ordanes, that the profite of the Waird-landes, be tane vp be their Mothers (gif there be na Tutours Teſtamentares) als lang as ſhe remaynes Widdow, and failzeing thereof, be the neareſt, and lauchfull Tutours of the ſaid bairnis, to be diſtributed to the ſuſtentation of the aire, and to the vtilitie and profite of the remanent his brether and & ſiſters, to the perfit age of the ſaid air or aires. That is to ſay, gif the airis be male, of xxj. zeiris, and gif they be female, xiiij. zeiris, the profite of the ſaids airis mariage, being ay free to him ſelfe. The mother, tutor, or gover nor, & find ſufficient caution befoir the Lords, that they ſal mak compt, rekoning, & paimēt of their intromiſſiō befoir the Lords of coūcell, or in the cheker zeirly: & gif the airis of the perſones that happinnis to die, as ſaid is, haue ony fewes, that they enter ſiklike to their few landes, halden of whatſumever

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perſones Spirituall, or Temporall, within the termes foirſaidis, without ony payment of the dowble of the few.

43 *Anent poſſeſsiones.*

ITEM, Our Soveraine Lord, with adviſe of my ſaid Lord Regents grace, three Eſtaites, and haill body of this preſent Parliament, hes ſtatute, and ordaned, that in caſe any Earle, Lord, Barron, Free-halder, Vaſſal, Sub-vaſſal, Fewares, Mailleres, Takkiſ-men, Tennents, Rentellers, poſſeſſours, or commounes, happenis to be hurte, ſlain, or wounded to the death, & theirafter of the ſaidis hurts, or woundes to die in our Soveraine Lords ſervice, and in defence of his authoritie, at ony time, againſt certaine his forefalted, and declared traytours (preſentlie being within the Caſtell and Burgh of *Edinburgh*) and vthers his Maieſties oppen, and manifeſt enemies, reſiſters and conſpiratours againſt his hieneſſe authoritie, during all the time of the open and manifeſt reſiſtance theirto: that their aires, executors, or aſſignayes, ſall freely haue their awin Wairdes, reliefes and marriages, in their awin handes, to be diſponed thereupon, as they ſall think expedient. And ſiklike, their wiues, bairnes, executors or aſſignayes, ſall bruike their takkes, ſteadinges, rowmes, and poſſeſſiones, aſweil of Kirk-men, as Temporall-mens landes, and enter thereto, and remayne therewith freelie, for the ſpace of fiue zeiris, without anie greſſume, or entrie ſilver: Payand allanerlie mailles and dewties vſed and wount. And this Act aſweill to extend vpon Kirk-mennes, as Temporall-mennes vaſſalles, as vpon our Soveraine Lordis.

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Actes omitted in this ſecond Parliament.

Anent the freedome and priviledges of Burrowes.

Anent Heraulds, Maiſſers, Purſevants, and others officers, that ſerved againſt our Soveraine Lord, and his authoritie.

Anent the eſcheittes of the perſones, comming to the Kings obedience.

FINIS.

THE THRID PARLIAMENT, HALDEN AT EDINBVRGH THE XXVI, DAIE OF IANVAR, THE ZEIR OF GOD, 1572. zeiris; Be IAMES the Sext, be the grace of God, King of *SCOTTES*; with advise and consent of IAMES, *Erle of* Mortoun, *Lord* DALKEITH *&c. Regent to his Maiestie, his Realme and lieges.*

44 *Anent the approbation and confirmation, of the Regiment.*

THE Quhilk day it is fundin, declared and decerned, be our Soveraine Lord, with advise of the three Estaites, and haill body of this present Parliament, that the nomination, constitution, election and ordination, of the Nobill and mightie Lord, IAMES, Erle of *Mortoun*, Lord *Dalkeith*, &c. In Regent to our Soveraine Lord, his Realme, and lieges thereof, during the time of his Majesties Minoritie and lesse age. Togidder with the consent and approbation, of the Erles, Lordes, Prelattes, Commissioners of Burrowes, Barrones, and vther faithfull subjectes, convened and assembled to that effect. And the acceptation of the said office of Regentrie, be the said IAMES Erle of *Mortoun*, vpon the xxiiij. day of November last by past, was, is, and in all time cumming salbe halden, repute and estemed lauchfull, sufficient, and perfite. And all, and quhatsumever things, quhilks hee hes done, be vertew of the saide office of Regentrie, sen the acceptation thereof, or quhilks he sall do heirafter, in our Soueraine Lordis name and authoritie, during the time of his hienes minoritie, to be as dewlie, lauchfullie, sufficientlie, and richteously done, and to haue als great availl, strength, force and effect, in all respects and conditions, as any thing done be quhatsumever Regentes, Governours or Protectours of this Realme, in the minorities and lesse ages of ony vthers natiue Princes of the samin. Quhilkes confirmation, nomination, election, constitution, acceptation, actes and proceedings: Our said Soveraine, with advise, and consent of the saides three Estaites, and haill bodie of this present Parliament, ratifies, appreues and confirmes, for now and in all time cumming.

45 *Papistes relapse, and Not-communicantes, suld be admonished, and they, remayning obstinate ar infamous.*

ITEM, Forsameikle as there was ane Acte maide in the Parliament, halden in the first zeir of our SOVERAINE LORDIS Regent that now is, Intitulat; Anent the trew and halie Kirke, and of theme that

ar declared not to be of the ſame Kirk. Quhilk Act, our Soveraine Lord, with adviſe and conſent of his Regentis grace, the three Eſtaites, and hail body of this preſent Parliament, ratifies, appreuis, and for his hieneſſe and his ſucceſſours, perpetually confirmes. And ſeeing the educatiòn of our Soveraine Lord, is in the trew Religion of Ieſus Chriſt, and that the ſamin Religion be Lawes and Acts of Parliament, made in his hieneſſe reigne, is eſtabliſhed: and that it is baith godlie and expedient, that all his hieneſſe ſubjectes, worſhip the onlie trew God, in the vniformitie of Religion, and his hienes obedience. Therefoir it is ſtatute & ordaned, be our ſaid Soveraine, with adviſe of his ſaid Regent, the three Eſtaites and haill bodie of this preſent Parliament, that the lauchfull Arch-biſchoppes, Biſchoppes, Super-intendentes, and Commiſſioneres of Dioceſes, and Provinces of this Realme, be them ſelues, and the Miniſters and Readers, ſerving at the Kirkes, within their charges, *reſpectiuè*, with all diligence, after the publication of this preſent act, note the names of the perſons, aſweil men as wemen, ſuſpected to be *Papiſtes*, or that hes not communicate with the Sacramentes, as they ar now trewlie miniſtrat, in the reformed Kirkes of this Realme, and with the like diligence, lauchfullie admoniſh them, according to the ordour of the Kirk. And in caſe, they be foorth of the Realme, vpon threeſcoir dayes warning, to recant their Papiſticall errours, giue their Confeſſion of their faith, according to the forme approoved, in our Soveraine Lordis Parliament, be participant with the Sacramentes, and ſubmit them ſelues to the diſcipline of the trew Kirk, within certaine reaſonable ſpace, vnder the paine of excommunication. And if they failzie, to pronunce the ſentence of excommunication againſt them. And in caſe of the contumacie & none-comperance, of ony perſones, ſwa admoniſhed, or compeirand, gif they refuſe to obey the admonition: Or quha hes returned to their erroures, after their confeſsion anes giuen, that everie lauchfull Arch-biſchop, Biſchop, Super-intendent or Commiſsioner, preſent ane Rol and Catalogue, of the names of the diſobedients, obſtinat, or relapſe perſones, to our Soveraine Lord, & his Regent, betuixt and the firſt day of Iulij nixt tocum, to the effect that the ſamin may be imprented, divulgat, and affixed on the Tol-buith of *Edinburgh*, and vthers Tol-buithes, and publick places of judgement, within this Realme, vnder the paines following: That is to ſay, everie Arch-biſchop or Biſchoppe, that ſalbe found remiſſe, or negligent therein, be the generall Aſſemblie of the Kirk, vnder the paine of tynſell of the fruites of his benefice, for ane zeir to our Soveraine Lordis vſe, and everie Super-intendent or Commiſsioner vnder the paine of tynſell of his ſtipend, for ane zeir alſwa, to our Soveraine Lordis vſe, and removing of him foorth of his office, and placing of ane vther mair diligent therein. And that the diſobedient, obſtinat, and relapſe perſones, to be conteined in the ſaid Catalogue (after the publication thereof) ſalbe halden, repute, and eſtemeed infamous, and vnabill to ſit or ſtand in judgement, perſew, beare office, nor ſall not be admitted, as preues, witneſſes, or aſsiſoures, againſt ony profeſsing the trewe religion, ay and quhill they haue reconciled themſelues to the trewe Kirk, ſubmitting themſelues to the diſcipline thereof, and obteine Teſtimoniall thereupon,

quhilk inhabilitie, being alleged againſt ony Iudges principall, or deputes, members of Court, officieres, parties, or procuratores, perſones of inqueſt, or witneſſes, ſalbe relevant exception of the Law, to declyne them fra judgement, office, perſute, procuration, inqueſt, or bearing witneſſe, without they then preſentlie produce ſufficient teſtimoniall: witneſſing them to be receiued, as members of the trewe Kirk. As alſwa the depute of the Iudge principall, quha is the excommunicate, or the procuratour, quha wil compeir for the Excommunicate, ſall not be ſuffered to proceede, nor heard in judgement (the Excommunication being opponed and verefied, againſt the maker of the depute, or conſtituant of the Procurator) except that the principal be quhome they proceede, or vſe their Procuration, firſt be received to the Kirk, and haue ſufficient teſtimoniall thereupon. And that the ſaid exception, be not admitted againſt ony, quhilk ſall not be ſpeciallie comprehended in the ſaid Catalogue. And in caſe the Iudge proceed, notwithſtanding the ſaid exception, the ſamin being lauchfullie proponed, and ratifyed, be the Catalogue foirſaid, ſik contempteous proceeding, teſtifyed be ane Inſtrument, and produced befoir the Lordes of Councell, ſalbe ane ſufficient cauſe of ſuſpenſion, and diſcharge of the execution of the decreit, to bee given in that matter.

46 All Eccleſiaſticall perſones ſuld ſubſcriue the confeſſion of the Faith. Of Heretickes.

ITEM, Forſameikle as the converſation, and purgation of the Religion, chiefly perteines to the Chriſtian Princes & godlie Kings, rewlars, & Magiſtrats: & that it is maiſt requiſite, that the Kirk within this realme, be ſerved be godlie perſones of ſound Religion, obedient to the authoritie of the Kings Maieſtie, our Soveraine Lord: It is theirfoir concluded, ſtatute and ordaned, be his Maieſtie, with adviſe of his Regent, three Eſtaites, and haill bodie of this preſent Parliament: That everie perſon, quha ſall pretend to be an Miniſter of Gods word and Sacraments: Or quha preſentlie dois, or ſall pretend to haue, and bruik ony Benefice, vſe of fruites, ſtipend, penſion, or portion foorth of Benefice, and ar not alreadie vnder the diſcipline of the trew Kirk, and participates not with the Sacramentes theirof, ſall in the preſence of the Arch-biſchop, Super-intendent, or Commiſſioner of the Dioceſe, or Province quhair he hes, or ſall haue the Eccleſiaſticall living, giue his aſſent, and ſubſcriue the Artickles of Religion, conteined in the Actes of our Soveraine Lords Parliament, and giue his aith for acknawleging, and recognoſcing of our Soveraine Lord, and his authoritie, and ſal bring ane teſtimonial in writing therevpon. And oppenly on ſum Sunne-day, in time of Sermone, or publick prayers in the Kirk, quhair be reaſſon of his Eccleſiaſticall living, he aucht to attend, or of the fruites quhairof he receiues commoditie: reade baith the teſtimoniall and confeſſion: and of new mak the ſaid aith, within the ſpace of ane Moneth, after the publication of this preſent Act. And gif he be foorth of the Realme, within three-ſcoir dayes after the publication heirof. And in time cumming, within ane moneth after his admiſsion, vnder the paine that everie perſon that ſall not do, as is aboue appoynted, ſall be,

ipſo

ipſo facto, depriued, and all his Eccleſiaſticall promotions and living, ſalbe vacand, as gif he war then naturallie dead. And gif ony perſon Eccleſiaſtical, or quhilk ſal haue Eccleſiaſticall living, ſal wilfullie maintene ony doctrine, directlie contrair or repugnant, to ony of the ſaidis Artickles: and being convened and called, as followes, ſall perſiſt therein, and not revoke his error, or after his revocation, ſall of new affirme ſik vntrew doctrine, ſik mainteining, affirming: and perſiſting: ſalbe juſt cauſe, to depriue him of his Eccleſiaſticall living. And it ſalbe lauchfull to them, befoir quhome he is called and convened, to depriue him. Quhilk ſentence of deprivation pronounced, he ſalbe deprived in deede, and his living vacand, as gif he war naturallie deade. And that al Arch-biſchopes, Biſchoppes, Super-intendents, Poſſeſſoures, or Titulares of Prelacies be called, and convened for this effect, befoir the generall aſſemblie of the Kirk, and all inferiour perſones befoir the Arch-biſchoppes, Biſchoppes, Super-intendentes, or Commiſſioneres of the Dioceſe or provinces, within the quhilkes they dwell.

47 *Adverſaries of the trew Religion, ar not ſubiects to the King. Of Apoſtates.*

ITEM, Forſameikle as there hes bene great rebellion, and diſobedience againſt our Soveraine Lords authority in time by-paſt, and ſeeing the cauſe of Gods trew religion, and his hieneſſe authoritie foirſaid, ar ſa joyned, as the hurt of the ane, is common to baith. It is theirfoir declared, ſtatute and ordaned, be our Soveraine Lord, with adviſe & conſent of his Regentis grace with the three Eſtaites, and haill bodie of this preſent Parliament: That nane ſalbe repute as loyal, and faithful ſubjectes to our ſaid Soveraine Lord, or his authoritie, bot be puniſhable, as rebellaras, and gaine-ſtanderes of the ſamin, quhilk ſall not giue their Confeſſion, and make their profeſſion of the ſaide trewe Religion. And that all ſik, as makis profeſſion thereof, and zit hes maid defection fra their dewe obedience, aucht to our Soveraine Lord, ſalbe admoniſhed be the Paſtours and Miniſters of the Kirk, to acknowledge their offence, and returne to their dewtiful obedience: & gif they failzie therein, to be excommunicate and ſecluded, from the ſocietie of the Kirk, as rebellious and corrupt members, betuixt & the firſt day of Iunij nixt-tocum. And that alwaies, befoir ſik perſonnes as hes maid defection, be receiued to our Soveraine Lordis mercie and favour: they ſall giue the Confeſſion of their Faith of new, and promiſe to continew in the Confeſſion of the trewe Religion, in time cumming, mainteine our Soveraine Lordis authoritie: and that they ſal at the vttermaiſt of their power, fortifie, aſſiſt and mainteine the trew Preachoures and profeſſours of Chriſts Religion, againſt quhatſumever enimies, and gaine-ſtanderes of the ſamin: And namelie, againſt all ſik of quhatſumever Nation, eſtait or degree they be of, that hes joyned, and bund them ſelues, or hes aſſiſted, or aſsiſtes to ſet forward, & execute the cruel decreittes of the councell of *Trent*, (quhilk maiſt injuriouſlie is called be the adverſaries of Gods truth, the Haly League) contrarie the Preachoures, & trew profeſſours of the word of God.

FOrsameikle as be act of Parliament, halden and begunne at *Edinburgh*, the fourth day of Iunij, the zeire of God, an thousand, fiue hundreth, three-scoir three zeires; It was statute, and ordaned, that na Person, Vicar, nor vther Ecclesiasticall person, suld set in few, or lang takkes, ony of their Manses, or glebes pertening to the Kirkes. And alswa that they that ar appoynted, or to be appoynted to serue or minister at ony Kirk, within this Realme, suld haue the principall manse of the Persone or Vicar: or sameikle thereof, as suld be fund sufficient, for staiking of them, to the effect that they may the better a-wait vpon the charge appoynted, or to be appoynted to them, whither the saides glebes wer set in few, or takke of befoir, or not: Or that ane reassonabill and sufficient house, wer bigged to them beside the Kirke, be the Persone or Vicar, or vthers hauand the saidis Manses in few, or lang takkes. And farther, sameikle land to be annexed to the saidis dwelling places, of them that serues, or ministers at the Kirk, as theirafter, with gude aduisement, suld be appoynted, like as the said act, at mair length, proportis. Quhilk being in diuers pairtes doutful and incertaine, na gude execution hes followed thereupon, in time by-past. Theirfore our Soveraine Lord, with advise of my Lord Regents grace, the three Estaites, and haill body of this present Parliament, findis and declaris, that the Manses, outher perteining to the Persone or Vicar, maist eweſt to the Kirk, and maist commodious for dwelling, perteines and sall perteine, to the Minister or Reader, serving at the samin Kirk: Togither with four acres of land of the glebe at least, lyand *contiguè*, or maist eweſt to the said Manse, gif there be sa mvkle: And failzeing thereof, sa meikle as there is to be marked, and speciallie designed be the Arch-bischop, Bischop, Super-intendent, or Commissioner of the diocese or province, the time of their nixt visitation, be the advise of ony twa of the maist honest and godlie of the Parochiners, quhilkes he sall require (not being possessours of the said manses or glebes them selues) to ioyne with him in execution heirof, whither the saidis manses & glebes be set in few, or takkes of befoir, or not. And vpon the said marking and designation, the Arch-bischop, Bischop, Super-intendent, or Commissioner, sal giue his testimoniall, bearing, how he with advise of sik twa of the Parochiners, hes visited the manse and glebe, of sik an Kirk, and findes the samin occupyed be sik persones. And that they haue appoynted, marked, and designed the said manse, with foure acres, or sik quantitie of land adjacent thereto, to the vse of the Minister, or Reader, that sall serue and minister at the said kirk, in time cumming. And vpon the Ministers or Readers supplication, quhair withall the said testimoniall sall be presented to the Lordes of Councell, letters salbe directed, charging the occupyars, and possessours of the saidis Manses and acres of land, whither the samin be set in few or takes of befoir, or not: to remoue, desist and cease their fra, and enter the said Minister or Reader, to the possession of the samin, within ten daies, vnder the paine of rebellion, & gif they failzie, to put thē to the horne. And in case they be denunced, letters of caption, and vthers executorialles to be direct vpon them, according to the lawes of this Realme. Quhilkes

manſes and acres of land ſa marked, and deſigned, as ſaid is, it ſal not be leſum to the Miniſters, or Readers preſent, or to cum, to ſell, annalie, ſet in few, or takkes, or to put ony in poſſeſſion of the ſamin, in prejudice of their ſucceſſours: bot the ſamin to remaine alwaies free to the vſe and eaſement of ſik, as ſalbe admitted to ſerue, and miniſter at the ſaid Kirk. And quhair ony perſones vpon pretence of fewes or takkes, obteined of manſes or glebes, hes maid ſumptuous biggings thereon, fra the quhilks they think heauie to be diſpoſſeſſed, or removed, that then the Arch-biſchop, Biſchop, Super-intendēt or Commiſsioner, the time of their viſitation, travell to aggre the fewer or takkeſ-man, and the Miniſter or Reader, be delivering to the ſamin Miniſter or Reader of ane vther manſe, quhilk ſalbe als gude, & eweſt as the vther, be iuſt eſtimation, the time that it was ſet in few, or takkes: to be bigged betuixt this and the firſt daye of October nixttocum: togidder alſwa with certaine acres of land adjacent thereto, in maner foirſaid, for eſchewing of debait and contention. Bot gif the fewer, or takkeſ-man, refuſis willingly to condiſcend to the ſamin, then the execution to proceed, for removing fra the principall manſe, and ſa manie acres of land, as is befoir ſpecified, notwithſtanding ony biggings made, or to be maid thereupon. Providing alwaies, that ſa meikle of the few-maill be deduced to the perſon or perſones, to quhom the ſaidis manſes or glebes is ſet in few, *ſecundum ratam*: and ſiklike, that the fewer haue ſufficient action, againſt the ſettar of the ſaid manſe and glebe, for ſameikle entres ſilver, as he payed to the ſetter the time of the ſetting thereof, *ſecundum ratam*, as ſaid is.

49 Poſſeſsions of benefices, or vther Eccleſiaſticall rents tines their life-rent, being zeir and day at the Horne.

FOrſameikle, as be the Lawes of this Realme, ſpecially be act of Parliament halden in the Reigne of vmquhile King IAMES the fift, our Soveraine Lordis Gudſchir, of worthie memorie: It is found, that the vſe in times bygane hes bene, that the mailles and dewties, of the landes of them, that hes bene zeir and day at the horne, halden of vthers Superiours then the King, returned againe to the ſuperiours of the ſamin landes, for the life-time of them that ſuſtened ſik proceſſe of horne, zeir & day, as ſaid is, except crimes of treaſſon and leſe-majeſtie, and that the law ſuld ſa be interpreted and vſed, like as at mair length, is conteined in the ſamin act. Quhilk hes bene great feare and terrour to al heritoures of landes, to incur the ſaid proceſſe of horning, during the time foirſaid, and therefoir for ſaiftie of their life-rent, hes done diligence, & vſed al good meanes to obteine thēſelues ſpedelie relaxed, when ever they happened to incur the ſaid paine: zit becauſe the law was not equal, at leaſt had not receiued the like execution, againſt the poſſeſſours of Benefices, Penſions, Portions, or vther Eccleſiaſticall rentes: The great contempt of horning, hes bene in ſik perſones, quhilkes thinking their livings in na danger, throw their diſobedience, continued in their rebellion, and vſed na diligence to get themſelues relaxed, quhilk maid the ſaid paine of horning contemptibil intimes by-paſt. For remeid of the quhilk abuſe heirafter: Our Soveraine Lord, with adviſe of his Regēts grace, the three eſtaits, & hail bo-

bodie of this preſent Parliament, declaris, ſtatutis, and ordanis, that gif ony poſſeſſoures of benefices, penſions, portions, or vther ſik eccleſiaſtical rents, being ordourlie denunced rebelles, and put to the Horne, remaines theirat, attour the ſpace of zeir and day, they ſall theirby tyne their life-rent of their benefices, penſiones, portiones, or vther eccleſiaſticall rents, ſiklike and in the ſamin maner, as the temporall men, and heritours of landes dois, and according to the act maid in our Soveraine Lordis deareſt Gudſchirs Reigne.

50 *Approbation of the Actes and proceedings, done in the name and Authoritie of our Soveraine Lord, and of the inualiditie of all things attempted in the contrair.*

FORSAMEIKLE, as ſen the coronation of the kings Maieſtie our Soveraine Lord, divers rebellious inſurrectiones, treaſſonabil conſpiracies, ōpen hoſtilities, and diſobediences, hes bene rayſed againſt his hienes authoritie and Regentes, tending to the ſubverſion of Chriſts Religion, the deposing of his Majeſtie from his Royall Crowne, and the confuſion of the haill eſtait of the common weill of this Realme. For reſiſting and repreſſing of the quhilkes treaſſonabil, rebellious, and dangerous interpryſes, & ſafetie, and preſervation of our Soveraine Lords innocent perſon, his Regents, Nobilitie and Eſtaites, profeſſing his obedience, hes bene oft times conſtrayned to vſe the proceſſe, judgement, and execution of his hieneſſe Lawes: as alſwa force and hoſtilitie againſt his hieneſſe declared traytours, rebellious and diſobedient ſubjectes, their aſſiſters and partakers. Theirfoir, it is ſtatute and ordaned be our Soveraine Lord, with adviſe of his Regents grace, the three Eſtaites, and haill bodie of this preſent Parliament, that all proceſſes, judgementes, and executions of his hieneſſe Lawes, led, given and maid, in his Majeſties name, criminallie or civillie, ſen his hieneſſe Coronation foirſaid, outher in Parliament, privie Councel, Iuſtice courts, Seſſion, and Colledge of Iuſtice, Checker, or befoir the Schireffes, Stewardes, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, & vthers Iudges & Miniſters of Lawes quhatſumever. And all deedes of hoſtilitie, in rayſing & conduction of men of weir, battalles, conflictes & vtherwaies, cuinzieng of money, taking and fortification of Townes, Caſtelles, Palices, Places, Houſes, and Policies: Burning, deſtruction, and demoliſching thereof: Intelligences, Treaties & Contractes maid with quhatſumever foreyn Princes, or their Lieu-tennentes, or miniſters: Inbringing of ſtrangers in the Townes, and vthers parties of this Realme, intromiſſion with money, munitiones, and movabill guddes, vptaking of rentes, taking and deteining of priſoners, ranſounes, buitinges, rayſing of taxes, impoſitions, & vthers quhatſumever, done be our Soveraine Lordis Regents, Nobility, & vthers ſubjects, profeſſing his obedience, againſt the ſaidis declared Traitoures, rebelles, or diſobedient ſubjects, their aſſiſters & partakers quhatſumever, at ony time ſen our Soveraine Lordis Coronation, and befoir they obteined remiſſions therefoir, as alſwa all intromiſſion with ony of their livings, guddes, geir, pleniſſinges, and vthers being within their houſes, or vpon their landes or rowmes, notwithſtanding quhatſumever aſſignation, titill, or entres, that ony vther perſones may acclayme or pretend thereto

thereto,and all that followed, or ſall happen to follow therevpon,hes bene, is,and in all time cumming ſalbe repute,halden,and eſteemed,as lauchfullie done,and as gude and profitabill ſeruice for his Maieſtie,tending to the preſeruation of the eſtait of Chriſtian Religion,the Royall perſon and Crowne of our Soueraine Lorde, reſiſting and repreſſing of his ſaidis rebellious and inobedient ſubiects,& quyeting of the country. And that the ſaides Regents and Nobilitie, and vtheris ſubjects,their aſſiſteris and partakeris, ſall incurre na skaith or danger thairthrow, in their perſones, landes, or guddes, nor ſall not be called, nor accuſed for the ſamin,criminallie nor civillie, be ony manner of way in time cumming. Diſchargeing be this preſent Act, all and ſindrie his Majeſties Iudges, and Miniſteris of his Lawes preſent, and to come theirof,and of their offices in that part for ever. And this Act to be amplie extended and interpreted,in the favoures of all ſik,as profeſſed our Soveraine Lordis Authoritie and obedience, againſt them quhilkis were diſobedient thereto, their aſſiſters and partakers. And in like maner, it is declared and decerned be our ſaid Soveraine Lord,his deareſt Regent, the three Eſtaites and haill bodie of this preſent Parliament, that all pretended Proceſſe, judgementes and executiones of Lawes criminall,or civill, outher in pretended Parliaments,Councell, or befoir Schireffes, Stewardes, Baillies, Proveſtes, Aldermen, Baillies of Burrowes, or vthers Iudges, or Miniſters of Lawes quhatſumever, in name,or by cullour of ony vther authoritie,ſen our Soveraine Lordis Coronation foirſaid, hes bene,is,and in all time cumming,ſall be repute,halden and eſtemed as vnlauchfull,vſurped,vaine, and of na force ſtrength,nor effect: and to haue na maner execution, for any time by-gane, or to cum,without anyproceſſe of reduction.

51 *Anent purchaſing of the Papes Bulles, or giftes of the Queene our ſoveraine Lordis Mother.*

FOr ſameikle, as be Act of Parliament,halden at *Edinburgh*,the xxiiij. day of Auguſt,the zeir of God, ane thouſand,fiue hundreth,three ſcoir zeiris ratified,and appreved be act of Parliament, halden the firſt zeir of the reigne of our Soveraine Lord,that now is. It was ſtatute & ordaned,that the Biſhop of *Rome*, called the Pape, ſuld haue na iuriſdiction, nor authoritie within this Realme, in ony time theirafter, and that nane of the ſubjects of this Realme,in ony time cũming thereafter ſuld ſute,ordeſire title,or right of the ſaid Biſhop of *Rome*, or his ſect,to ony things within this Realme,vnder the paines of Barratrie, that is to ſay, proſcription,baniſhment, & never to bruik office, honour, nor dignitie within this Realme, like as is conteined at mair length in the ſaid act, ſen the quhilk time,diverſe the ſubjects of this Realme hes wickedlie, and contempteouſly purchaſed the ſaid Papes Bulles, diſpenſations, letters,& priuiledges at *Rome*,or hes cauſed counterfacte the ſamin in *Flãders* or vthers parts,with ante-daitts,as alſwa,ſum vthers hes purchaſed,or counterfaicted giftes, & proviſions of benefices, with ante-daittes,or blanks, as maid be the Queene Mother, to our Soveraine Lord, intending be ſik fals and culloured meanes, to bruik the tytle, and poſſeſſion of Benefices,or penſiones,after the deceaſe of the preſent poſſeſſours theirof. And theirthrow,

baith

baith to defraud our Soueraine Lord of his richt and Patronage, and alſwa the qualified perſones, profeſſing the trew Religion, of their livings, quhairvpon they ſuld be ſuſteined, if remeid be not provided their-intil. It is therefore decerned, and declared, be our Soveraine Lord, with adviſe and conſent of my Lord Regents grace, the three Eſtaites, and hail body of this preſent Parliament, that all perſones, ſuſpected to haue ony falſe counterfaicted blankes, and ante-daitted bulles, proviſions, confirmations of fewes, takkes, or giftes of benefices, penſiones foorth of benefices, commoun Kirkes, or landes, annualles and Frier-landes, ſalbe called, quhen it ſall pleaſe our Soveraine Lord, and his ſaid Regent, to compeir, befoir ſik of the priuie Councel, or vthers, that ſalbe conſtitute Commiſſioners in Eccleſiaſticall cauſes, be his hieneſſe Commiſſion, at ſik day, or dayes, as they ſall appoynt: bringand with them their ſaidis bulles, proviſions, confirmationes of fewes, takkes and giftes of benefices, and vthers befoir ſpecified, to be ſeene and conſidered gif the ſamin be lauchfull titles, and orderly paſt, and be worthie to ſerue, & haue faith in time cumming, or not. And in caſe the peeces produced, be found lauchfull and ſufficient, the ſamin to be regiſtrat, marked, and to haue full faith, and validitie in time cumming. And gif the ſamin ſalbe fundin to haue bene purchaſed in *Rome*, ſen the ſaid xxiiij. day of Auguſt, the zeir of God, ane thouſand fiue hundreth, three ſcoir zeiris, or vtherwaies, to haue bene counterfaicted, ante-daited, or purchaſed blank ſenſyne, to be decerned and declared be the ſaidis Commiſſioners null, invalide, and inſufficient, and to make na faith in time cumming, but ony farther Proceſſe of reduction. And in caſe the perſones being charged to compeir for production, of their ſaidis Bulles, proviſiones, takkes, confirmationes, giftes, and vtheres befoir ſpecified, failzie therein, being lauchfullie charged ſa to do, decreit ſalbe giuen againſt them, declairand the ſamin Bulles, proviſions, takkes, giftes and others abone exprimed to be nul, invalide, and inſufficient in all time cumming, and it ſalbe lauchfull to diſpone the ſamin of new, notwithſtanding, ony allegeance of validitie, that may after be proponed.

52 *Ane approbation of the Act maid anent the diſpoſition of Benefices, to the Miniſters of Chriſts Evangell.*

ITEM, becauſe there hes bene ſum queſtion, baith befoir the Lordes of Seſſion, and the Commiſſares of *Edinburgh*, anent the declaration of the Queene, our Soveraine Lordis Mother, with adviſe of the Lordes of Secreit councell for the time, and thereafter ratified in Parliament, anent the diſpoſition of all benefices, not exceeding three hundreth markes of zeirly rent, or within, to qualified Miniſters. Quhilk act, our Soveraine Lord, with adviſe and conſent of his Regents grace, the three Eſtaites, and haill body of this preſent Parliament, ratifies, appreues, and confirmes: ordainand the ſamin to haue full effect, fra the day and dait thereof, notwithſtanding, ony exception proponed, or to be proponed, of none publication of the ſaid act: Seing the Queene, our Soveraine Lordis mother was ſworne theirin, *In verbo Principis*, never to cum in the contrair theirof. And that the ſaid Act hes generallie taken effect, ſen the making of the ſamin. Providing alwaies, that

this

alwaies, that this preſent act, prejudge not the laïck Patrones.

53 *Excommunicate perſones, ſuld be denunced Rebelles.*

THE QVHILK day, our Soveraine Lord, with adviſe of his Regents grace, the three Eſtaites, and haill body of this preſent Parliament, ſtatutis and ordanis, that againſt all perſones excommunicate be ordour of the trew reformed Kirk, within this Realme, letters ſal be direct, be the Lords of Councel, in all the four formes, at the inſtance of the partie; our Soveraine Lords Advocate, or the Procuratours of the Kirk, chargeing the excommunicate perſones (they being excommunicate fourty daies) to ſatisfie the ſentence or decreit pronunced againſt them, and to reconcile themſelues to the Kirk, & ſubmit themſelues to the Diſcipline thereof: vnder the paine of Rebellion, and gif they failzie, to put them to the horne, with letters of Caption, and vthers executorialls to paſſe thereupon, ſiclike, and in the ſamin maner, as was given in the Reigne of our Soveraine Lordis vmquhile Gudſchir, againſt them that ſuſteined the proceſſe of Curſing, attour the ſpace of fourtie dayes.

54 *Anent the reparation of the Paroche Kirkis.*

FOR ſa meikle, as there was ane Act made in the Parliament halden in the Moneth of Iunij, the zeir of God 1563. zeiris, declairand, that whatſumever ordour ſuld be maid and ſet forth, be the Lords of ſecreit Councel, for vphalding and reparrelling of Kirkes, and Kirk-zairds, and the execution to be declared be them thereupon, to be ſufficient, and to haue als great ſtrength and effect, as and the ſamin had bene expreſlie conteined, in the ſaid Act of Parliament, as the ſamin at mair length proportis. According to the quhilk, ane Act of ſecreit Councell was maid, for the bigging, mending, and reparation of Paroche Kirkes, of the dait, At *Striviling* the xiij. day of September, the zeir of God foreſaid. Quhilk Act, as zit, hes not tane execution in na place, becauſe of the ſleuth & vnwillingnes of the Parochiners, quhilks were ſlaw, and refuſed to chuſe perſones to taxe their Nichtbouris: and that alſwa, there was not Kirk-maiſters or Deacons, appointed in the Parochin to receiue the taxation appointed. FOR remeid quhairof, our Soveraine Lorde, with adviſe of his Regents grace, the three Eſtaites, and haill bodie of this preſent Parliament, ratifies and appreues the foirſaidis Actes of Parliament, and of ſecreit Councell in all pointes, with this addition, That quhair the Parochiners being required to elect and chuſe perſones, for making of the taxation, to the effect foreſaid, refuſis or delayis, or quhair there is na Kirk-maiſters or Deacons appointed; That then the Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner of the Kirkes, in time of their viſitation, quhilk ſall be betuixt and the firſt day of Iunij nixtto-cum: Sall at their diſcretioun, nominate and appoint perſones in every Parochin, for making and ſetting of the taxation: as alſwa for receiving of the ſamin. And decernis and declaris the ſaid nomination and appointment to be ſufficient, and ſiklike execution ſall paſſe, for compelling of them, as micht

haue bene given and granted, be vertew of the ſaid Act of ſecreit Councel, in caſe they had bene elected be the Parochiners. And becauſe, there hes bene diverſe Paroche Kirkes, within this Realme demoliſched, caſten downe and deſtroyed, for the maiſt part, & that certaine particular perſones hes applyed the ſtanes, tymber, and vther graith perteining thereto, to their awin particular vſe & profite. Therefore, ordanis ony ane of the Parochiners of ſik Kirkes to giue their complaint to the Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner thereof, vpon ſik perſones, as they pleaſe to complene vpon, and they being lauchfullie called, and juſt tryal taken in the ſaid matter: And according to ſufficient probation, to bee led and deduced their-intill, that the ſaid Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner pronunce, and giue foorth their decreit their-intill: Quhilk decreit, our Soveraine Lord, with adviſe of his ſaid deareſt Regent, & three Eſtaites foirſaidis, decernis and declaris, to be als ſufficient, as and the ſamin war given befoir ony Iudge Ordinar. And ordanis, the Lordes of Councell and Seſſion, to direct letters of horning or poynding thereupon, at the will and pleaſure of the partie, quha ſall happen to complene. And ſik-like, our Soueraine Lord, with adviſe of his ſaid deareſt Regent, the three Eſtaites, and haill bodie of this preſent Parliament, ordanis the Perſones of all Paroche Kirkes within this Realme, to furniſh bread and wine to the Communion, how oft the ſamin ſall be miniſtrat, within the ſamin Kirkes.

(∴)

Acte omitted in this third Parliament.

Anent the eſtabliſhing of the Regiment, in caſe at Gods pleaſure, that charge sit vaik, during the Kings Maieſties minoritie.

FINIS.

THE

THE FOVRTH PARLIAMENT HALDEN AT HALYRVDE-HOVS THE LAST DAIE OF APRIL THE ZEIR OF GOD, ANE THOVSAND, FIVE hundreth, three ſcoir 13. zeires: Be IAMES the Sext, be the grace of God, King of *Scottes*, with adviſe and conſent of IAMES *Erle of* Mortoun, *Lord Dalkeith, &c.* Regent to his Maieſtie, his Realme and ſubjectes,

55 *Anent them that divertes fra vthers, being ioyned of befoir, in lauchfull Mariage.*

IT IS founden, and declared be our Soveraine Lorde, his Regentis Grace, the three Eſtaites, and haill bodie of this preſent Parliament: That in all times by-paſt, ſen the trew and Chriſtian Religion was publicklie preached, avowed, & eſtabliſhed within this Realme, namelie, ſen the Moneth of Auguſt, the zeir of God, ane thouſand, fiue hundreth, three ſcoir zeires. It hes beene, and in all times cumming ſalbe lauchfull; That quhat-ſumever perſon, or perſones, joyned in lauchfull Matrimonie, husband or wife, divertis fra vthers companie, without ane reaſonable cauſe alledged, or reduced befoir an Iudge, and remainis in their malicious obſtinacie, be the ſpace of foure zeires, and in the meane time, refuſis all privie admonitions: The husband of the wife, or the wife of the husband, for dew adherence: That then the husband, or the wife, ſal cal & perſew the obſtinate perſon offeder, befoir the Iudge ordinar for adherence. And in caſe no ſufficient cauſes be alledged, quhairfoir na adherence ſuld be, bot that the ſentence proceedis againſt the offender, refuſand to obey the ſamin: The husband or the wife, ſall meene themſelues, to the ſuperionr Magiſtrate, *videlicet*, the Lords of Seſſion, & ſal obteine letters, in the four formes, conforme to the ſentence of adherence: Quhilk charge being contemned, and therefoir being denunced rebell, and put to the horne: Then the husband, or the wife, to ſute the ſpirituall juriſdiction and power, and require the lauchful Archbiſchop, Biſchop, or Super-intendent of the countrie, quhair the offender

remaines, to direct priuie admonitiones to the ſaid offender, admoniſching him or her, as befoir, for adherence. Quhilkes admonitiones, gif he or ſhe contemptuouſly diſobeys: That Arch-biſhop, Biſchop, or Super-intendēt, to direct charges to the Miniſter of that Parochin, quhair the offender remaines, or in caſe there be nane, or that the Miniſter will not execute, to the Miniſter of the nixt adjacent Kirk theirto: Quha ſall proceede againſt the ſaid offender, with publick admonitions, and gif they be contemned, to the ſentence of Excommunication. Quhilk anis being pronunced, the malicious and obſtinat defection of the partie offender, to be ane ſufficient cauſe of diuorce, and the ſaid pairtie offender to tyne and loſe their tocher, *& donationes propter nuptias.*

56 *Salt ſuld not be tranſported.*

FORSAMEIKLE, As it is vnderſtand, the great and exhorbitant prices, the ſmall Salt is latelie riſſen to, within this Realme: Quhilk heirtofoir hes never bene ſeene or heard within the ſamin. And there is na reaſſon, that the ſaid ſtrange dearth and noveltie, ſuld be ſuffered to continew, but the occaſion thereof, to be timouſlie remedied. THEREFORE, OVR SOVERAINE LORD, with adviſe and conſent of his deareſt Regent, the three Eſtaites. and haill bodie of this preſent Parliament, ſtatutis and ordainis. That na ſmall Salt bee tranſported foorth of this Realme, at onie time hereafter, at the leaſt, for the ſpace of three zeiris, nixt after the dait of this preſent Acte, vnder the paine of confiſcation of the Salt, as alſwa of the Schippes, Veſchelles, and vthers movabill guddes of the perſones tranſporters thereof.

PROVIDING alwaies, that the paine of this Act, extend not againſt ſtrangers of *Norway*, and vthers of the Eaſt partes, quhilk brings in tymber in this Realme, for quhilk, they ar priviledged be this preſent Acte, to tranſport Salt, for the exchange of their money, conforme to the Actes maid of befoir.

57 *The meaſure of Salmond, Herring and quhite-fiſh.*

ITEM, FORSAMEIKLE as it is conſidered, that be packing of Salmond, Herring, and quhite-fiſhes, be the Merchandes, and vthers inhabitantes of this Realme, there is great hurte and damnage ſuſteined be the buyers thereof, and great ſclander ſuſteinis the haill Nation, throw the default of a few number, in ſa farre as everie trafficquer with ſik Merchandize, cauſis the Cowpers make his barrelles and trees, of ſik quantitie, as he pleaſes, for his awin particular profite, not keepand therein ane vniverſall meaſure. AND therefoir it is ſtatute and ordaned bee our Soveraine Lorde, with adviſe and conſent of his deareſt Regent, the three Eſtaites, and haill body of this preſent Parliament; that everie Salmond barrell to be maid heirafter, ſall conteine twelue gallones, of the *Striviling* pynt

pynte, and that everie Barrell of herring and quhit-fiſch, conteine nine gallones of the ſamin ſtope. And that the Cowper, maker of the Barrel, ſal burne and marke the ſamin with his awin proper marke, ſwa that the buyer may be aſſured the ſamin conteines ſik quantities. And quha ever failzies heirin, being called, and convict thereof, ſalbe puniſhed according to the lawes maid thereupon of befoir.

58 *Anent the annualles of burnt and demoliſched houſes and tenements, within the Burgh of* Edinburgh, Cannongate, *and vthers Sub-urbes there abouts.*

ITEM, Forſameikle as it is conſidered, the heauie damnage and skaith, ſuſteined be the neighbours of *Edinburgh*, *Cannongate*, & vthers the ſub-urbs thereabout, quha left their landes, heritages, and guddes, for acknowledging our Soveraine Lordes maiſt juſt authoritie: be the quhilk, their landes & heritages, was demoliſhed, wracked and burnt, be his hieneſſe declared traytours and rebelles, being within the Caſtle and Burgh of *Edinburgh*, & their aſſiſtares. The ſaidis landes being addebted in ſundrie annual-rents. Quhilks perſons, heritours of the ſaidis annualles, ar now perſewand the ſaidis lands, for the by-runnes awand thē, notwithſtāding, they ar demoliſched & burnt, as ſaid is. Therefore, our Soveraine Lord, with adviſe and conſent of his Regents grace, the three Eſtaites, and haill bodie of this preſent Parliament, declaris the ſaidis landes burnt and demoliſched, as ſaid is, not to be obliſhed to make cōpleit payment of the annualles awand foorth thereof, bot the ſamin to be defalked, according to the acts maid of befoir, anent the paymēt of the annualles awand foorth of the lands, lyand within the ſaid Burgh, burnt of befoir, be the power of *England*, then enimies to this realme. And the parties awneris of the ſaidis annual-rents, not to haue farther action, but according to the act of Parliament, maid anent the payment of annualles awand foorth of the ſaidis burnt landes. Seing the demolition foirſaid, is done be our Soveraine Lordis declared Traytours, quhilk is alike to the perſonnes damnaged, as gif the ſamin had bene done be foreine enimies. Providing this act extend to nane, bot to ſik as aſſiſted and tuke part with our Soveraine Lord, during the time of thir lait troubles, and continues therein.

59 *Anent the tranſporting of forbidden guddes out of this Realme.*

ITEM, It is ſtatute and ordaned, be our Soveraine Lord, with adviſe and conſent of his Regents grace, the three Eſtaites, and haill bodie of this preſent Parliament, that the actes and ſtatutes, maid of befoir, againſt the carying of forbidden guddes foorth of this Realme, be diligentlie put to execution in time cumming. And ſiklike, that nane of the ſubjects of this realme, take vpon hand, to carry or tranſport foorth of this Realme, ony maner of Linning claith, Linget ſeed, maid Candell, or vther Talloun quhatſumever,

eatting Butter, cheese, barked hydes, or maid schoone, vnder the paine of escheit thereof, and the haill remanent guddes of the buyers, and transporters thereof, to our Soveraine Lords vse.

60 *Herring and quhite fisch. suld be brocht to free Portes Within the Realme.*

ITem, Forsameikle as it is heauicly complened, how that the haill slayers of all kind of fisches within this Realme, not regarding the Actes maid be our Soveraine Lordis deareſt Predecessours of befoir, quhilk is, that quhen hering and quhite-fish is slayne, they aucht to bring the samin to the nixt adiacent Burrowes & Townes, quhair the persones slayers thereof, dwelles, to the effect that our Soveraine Lordis lieges may be first serued, and gif aboundance occurred, that they micht be salted, and transported, be free Burgesses. Throw none-doing of the quhilk, our Soveraine Lord is greatlie defrauded of his customes, and his hienesse lieges wants the fruit of the Sea, appoynted be God for their nurischement, and the Burgesses and free men of Burrowes disappoynted of their trafficque and commoditie.

Therefore our Soueraine Lord, with advise and consent of his Regents grace, the three Estaites, and haill body of this present Parliament; Ordaines that all maner of fischeres, that occupies the Sea, and vthers persones quhat sumever, that happenis to slay hering, or quhite fisch vpon the Coast, or within the Iles, or out-with the samin, within the Firthes, bring them to free Portes, there to bee saulde commounlie, to all our Soveraine Lordis lieges, and the rest to free men, quhairby his Majesties Customes be not defrauded, and his hienesse lieges not frustrat of the commoditie appoynted to them be God, vnder the paine of confiscation, and tynsell of the veschelles of them, that cummes in the contrair heirof, and escheitting of al their movabil guddes, to our Soveraine Lords vse.

(.·.)

Acte omitted in this fourth Parliament.

Anent the hame bringing of Wine, and prices thereof.

FINIS.

THE

THE FIFT PARLIAMENT, HALDEN AT STRIVILING THE XXV DAIE OF IVLII, THE ZEIR OF GOD, 1578. zeiris; Be IAMES the Sext, be the grace of God, King of SCOTTES, *and three Eſtaites of this Realme.*

61 The ratification of the libertie of the trew Kirk of God and Religion.

OVR Soueraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreued, and be the tenour heirof, ratifies and appreuis, all and quhatſumeuer acts of Parliament, ſtatutes & conſtitutions paſt, & maid of befoir, aggreable to Gods word, for maintenance of the liberty of the trew Kirk of God and Religion, now preſentlie profeſſed within this Realme, and puritie theirof. And decernis & declaris the ſamin to haue the effect in all poynts, after the forme and tenour theirof.

62 The Glebes of the Miniſters and Readers ſalbe free of Teindes.

ITEM, Anent the Article propone, gif Miniſters & Readers aucht & ſuld pay teind for their Glebes & Kirk-lands, deſigned to them, cõforme to the act of Parliament, maid therevnto; for anſwere thereto; Our Soveraine Lord, with adviſe & conſent of the three Eſtaites of this preſent Parliament, findis and declairis, that the ſaidis Miniſters and Readers, aucht and ſuld pay na Teind, for their ſaidis Glebes and Kirk-landes, extending to four aikers of land, deſigned to them, conforme to the ſaid act. Bot decernis and declaris them to be free of their ſaidis Teindes, and diſchargeth them *ſimpliciter* thereof in all time cumming.

63 Anent the viſitation of the Hoſpitalles.

ITEM, Becauſe diuerſe Hoſpitalles hes bene erected be our Soveraine Lordes maiſt Noble Progenitours, and vthers zelous and deuout men within the countrie, quhilks alwaies ar becummin in decay, be negligence of ſik to quhom the cure thereof perteines, & ar ſet in few and takkes, without all gude ordour, in reſpect that the victualles and vthers profittes, perteining to the ſaidis Hoſpitalles, ar converted in ſmall ſummes of money: Swa that the pure and Beddelles of the ſaidis Hoſpitalles, hes ſmall or nothing to liue vpon. For remeid of the quhilk: Our Soveraine Lord, with adviſe & conſent of the three Eſtaites of Parliament, ordanis the Chanceller for all Hoſpitals

founded be our Soveraine Lordis maiſt nobil Progenitors, and the Biſchops and Commiſſioners of dioceſes, quhair na Biſchoppes ar provided, for all vthers Hoſpitalles, to trie the quantitie of their rent, the ordour of their fundation, and the eſtait quhairin the rent preſentlie is. And to that effect, that the Lordes of Councell and Seſſion, direct letters, chargeing the havers of the foundationes and erectiones of the ſaidis Hoſpitalles, ſewares and takkeſ-men of the lands, and vthers perteining thereto, to produce the ſamin befoir the ſaidis Chanceller, Biſchoppes, and Commiſſioners, at ſik dayes & places, as they ſal appoynt, to be ſeene and conſidered be them, to the effect, that ordoure may be tane, vpon the reformation of the decay of the ſamin Hoſpitalles, vnder the paine of rebellion, and putting of them to the Horne: with certification to them and they failzie, letters ſalbe direct to put them to the Horne, and that the ſaidis Chanceller and vthers foirſaidis, report their anſwer to the Kingis grace, and Lordes of ſecreit Councell, betuixt and Paſche nixtocum.

64 The ratification of the Priviledge of Burrowes, with addition.

OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreved, and be the tenour heirof, ratifies and appreuis of new, all actes & conſtitutiones of Parliament, maid be quhatſumever our Soveraine Lordis predeceſſoures of befoir, in favours of the Burrowes and Burgeſſes of this Realme, inhabitantes of all the Burrowes of the ſamin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie ane of them, and decernis and declaris the ſamin, to haue full ſtrength, force and effect in all times heirafter, ſwa that the ſamin may be put to full and dew execution in all poynts, and to ſtand as ane perpetuall Law to them and their ſucceſſours, with this addition: Giv-and them freedome and priuiledge, to convene four times in the zeir, for ſik matters as concernes their eſtait: And that in quhat Burgh it ſalbe thocht maiſt expedient, be the maiſt pairt of the ſaidis Burrowes. Providing alwaies for eſchewing of tumultes, that there be preſent, at the ſaidis conventiones for everie Burgh in number, ane: except the towne of *Edinburgh*, to haue ane maa, nor the vther Burrowes.

65 The ratification of the act maid of befoir, anent the alienation of landes and dimiſsion of Benefices, be them that ar, or ſall happen to be convict, of the murtheres of our Soueraine Lordis Father, and of his twa Regents.

OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreued, and be the tenour heirof, ratifies and appreues the act of Parliament vnder-written, maid in the Parliament halden at *Striuiling*, vpon the xxviij. day of Auguſt, the zeir of God, ane thouſand, fiue hundreth, three ſcoir and elleuen zeiris, and all poynts, clauſes and artickles conteined therein, after the forme and tenour theirof, of the quhilk, the tenour followes. ITEM, It is decerned and declared, be our Soveraine Lord,

Lord, with aduiſe of his Regents grace, and three Eſtaites, that all Alienations, reſignations, dimiſſions, and vthers diſpoſitions quhatſumever, maid be ony perſon or perſones conuict, or that ſal happen in ony waies hereafter to be cõuict, or fore-falted, for airt & pairt of the treaſonabil murthers and ſlauchters, of vmquhile our Soueraine Lordis deareſt Father, or Regents of quhatſumever landes, heritages, offices, benefices, rowmes or poſſeſſiones, ſen the times *reſpectiuè*, of the committing thereof: ar, & ſal be nul of themſelues, & of nane availl, force nor effect in al times cũming, with al that followed, or ſall happen to follow thereupon, with this addition, that our ſaid Soueraine Lord, with aduiſe of his ſaidis three Eſtaites of Parliament, hes declared and decerned, and preſentlie declaris and decernis, that the foirſaid Act of Parliamente, is & was gude and valiabill, fra the beginning, and that the ſamin ſuld haue had in times by-gane, and ſall haue in all times cumming, full effect: and that all thing (gif ony be done in the contrair) is and ſalbe null, and of nane availl, force nor effect, notwithſtanding ony alledged practicque, maid in the contrair.

66 Anent dowbill confirmation of fewes of Kirk-landes, and landes halden immediatlie of our Soueraine Lord.

FORSAMEIKLE as it is ſtatute and ordaned, be act of Parliament, maid in our Soueraine Lordis deareſt Mothers time, that na infeftment of Kirk-landes, ſet ſen the viij. day of March, the zeir of God, ane thouſand, fiue hundreth lviij. zeiris, ſuld be of ony force or effect, without the ſamin war dewlie and lauchfullie confirmed be our Soueraine. And als, forſameikleas it happinis, that doubil infeftmentes of few-ferme, of ony portion of land, is given be ane Eccleſiaſticall perſon, to divers perſones: & ſum times be divers Eccleſiaſticall perſones, to wit, the predeceſſour and ſucceſſour, to divers perſones in few-ferme, and zit nouther of the ſaidis infeftments can take effect, or be of availl, without they be dewlie and lauchfullie confirmed be our Soueraine Lord. And alſwa, it is oft-times ſeene, that confirmations ar granted of baith, the ſaidis divers infeftmentes, at divers times be the ſute of the parties: like as it is foũden be ſundry ordinãces of the privie counceil, that our Soueraine Lord, and his hieneſſe Compoſitours, aucht not to deny his confirmation, vpon the reaſſonabill expenſes of the partie, ſuitand vpon their awin perill. And likewiſe, divers alienationes of landes, halden immediatlie of our Soueraine Lord, being maid be ane perſon, to divers perſones, double confirmationes ar granted be our Soueraine Lord thereto, quhair as, ane of the ſaidis confirmations aucht, and can only take effect in all clauſes aboue ſpecified, And notwithſtanding, it is the occaſion of great debait amangis the lieges, to their great expenſes, aſweill in payment of their compoſitiones, as that the ſamin breadis the occaſion of great pley. FOR remeid thereof, it is concluded, ſtatute and ordaned, be our Soueraine Lord, and three Eſtaites of Parliament, that quha-ſaever obteines, or hes obteined, the firſt cõfirmation of ony infeftment, outher of Kirk-lands, or vther landes, halden of our Soueraine Lord: that the firſt confirmation of

ſalbe of auaill, force and effect, and ſall preuaill the ſecund. The ſaid firſt infeftment, quhilk is confirmed, being vailzeeable in the ſelfe, and lauchfully done. And in this caſe, the laſt confirmation ſall not be reſpected, albeit the ſamin confirme the firſt infeftment, bot the firſt confirmation of the laſte infeftment ſall prevaile, the laſt confirmation of the firſt infeftment, be way of exception or reply, without ony Summonds or Proceſſe of reduction. It is alwaies provided, that gif the principall infeftment firſt confirmed, or ony vther ſubſtantiall cauſe, be the foirſaid confirmation, be of nane availor vnlauchfullie maid, to the prejudice of ony vther pairtie, hauand intereſſe to the landes therein conteined, and quha may be excluded be reaſſon of the firſt cõfirmation, the ſaid partie hauand interes, ſalbe heard to accuſe or reduce the ſaid infeftment firſt confirmed, or vtherwaies, to moue action, againſt the ſamin, as accordes of the Law, quhidder they haue obteined cõfirmation of their infeftment, or not. It is alſwa ſtatute and ordaned, that na dowble confirmations of infeftments of Kirk-landes, or vthers, halden of our Soveraine Lord, be granted heirafter, and diſcharges the keipers of the Signet, Priuie and great Seilles, that they paſſe not double confirmations: And gif the ſaidis double confirmations paſſe in time cumming, our ſaide Soveraine Lord, with adviſe of his ſaidis three Eſtaites, decernis and declaris, the laſt confirmation to be of nane availl: Providing, as is aboue ſpecified.

67 *Ane act anent the carying of fleſch foorth of this Realme in ſchippes, vnder cullour of victualing.*

ITEM, Forſameikle, as be taking and carying away of all kinde of fleſch, in great quantitie, for victualling of ſchippes, paſſand forth of this realme, at the haill Portes thereof, and ſpeciallie at *Leith*, and Coaſt ſide of *Fife*, It is ane great occaſion of dearth of all kinde of fleſche, ſeeing the haill Skippers, Maiſters of Schippes, and mariners, in all partes of this Realme, takes foorth of the ſamin, in great abundance and quantitie, vnder cullour and pretenſe of the victualling of their Schippes, mair nor may ſerue and ſuſteine them for their voyage. FOR remeid quhairof in time cumming, it is ſtatute and ordaned, be our Soveraine Lord, and three eſtaites of this preſent Parliament, that all kinde of fleſch, for victualling of their ſchippes in time cumming, be packed within the free Burghs and Portes, quhair the ſaidis Schippes lyes, and ar to depart fra, and na vtherwaies. And that the Proueſt, Baillies, and cuſtomers of the ſaids Burrowes, viſie and conſider diligentlie, how meikle fleſche may ſerue everie Schip, and her equippage, for that preſent voyage, and according to the number of the equippaige and companie, appoynt to everie ſchip ſa mony barrelles or punſcheons, as for that preſent voyage, ſall ſufficientlie ſerue them, to the firſt port they ar frauchted to, and thereafter mark the ſaidis barrells or punſcheons, appoynted be them, to the furniſhing of the ſaidis ſchippes, with the commoun marke of the ſaid Burgh. Providing alwaies, that in caſe the ſaidis Skippers, Maiſters or Marineris, take ony mair fleſch foorth of the Realme

nor

nor may ſerue and ſuſteine them, for that voyage, according to the number of their equippaige, and as ſalbe appoynted to them in maner foirſaid, and marked as ſaid is, that the ſaidis Proveſt, Baillies, and Cuſtomers, everie one of them, within their awin offices and juriſdiction *reſpectivè*, ſearch, ſeek, take and apprehend the ſuper-plus of the ſaid fleſh, ſchipped in the ſaidis ſchippes, by & attour the furniture appoynted to them, for that voyage, as ſaid is, eſcheit and in-bring the ſamin, to our Soveraine Lordis vſe, deliver the ſamin to his Theſaurer, for the quhilk, he ſalbe halden to anſwere our Soveraine Lord, zeirlie, in his Checker.

Ane Table of the particular actes, and vthers, made be King IAMES the Sext, and not imprinted in this fifth Parliament, *25. of Iulij. 1578.*

1 Declaration of the freedome of the ſaid Parliament.
2 The Ratification of the acceptation of the Regiment, be the Kings Majeſtie, in his awin perſon.
3 Nomination and Election of the Kings Councell.
4 Anent the viſitation of Vniverſities and Colledges.
5 Ane diſcharge given to IAMES, Erle of *Mertoun* of his Regiment.
6 An exoneration of vmquhile *Iohne*, Erle of *Mar*, anent the keeping of our Soveraine Lordis perſon, within the Caſtle of *Striviling*.
7 The alteration of the Faire of *Irving*.
8 The changing of vacance of the Lords of Seſſion.
9 Commiſſion for confirmation of Teſtaments, and placing of Commiſſaris.
10 Commiſſion anent the Lawes: commiſſion for the policie of the Kirke.
11 Ratification of the gift maid to the Proveſt and Maiſters, of the auld Colledge of *Saint-Andrewes*.
12 An penſion granted to the Countes of *Mar*.
13 Commiſſion anent the cunzie.
14 Taxation of ten thouſand Markes, for the beeting of the brig of *Tay*
15 An Act concerning the kindlie tennents of the Biſchoprik of *Dumblane*.
16 Commiſſion concerning recognition of Landes, within Burgh.

FINIS.

THE SEXT PARLIAMENT HALDEN AND BEGVN AT EDINBVRGH THE XX. DAIE OF OCTOBER, THE ZEIR OF GOD, 1579. zeiris; Be IAMES the Sext, be the grace of God, King of SCOTTES, *and three Eſtaites of this Realme.*

68 *Anent the trew and haly Kirk, and them that ar declared not be of the ſamin.*

OVR Soueraine Lord, with adviſe and conſent of his three Eſtaites, and haill bodie of this preſent Parliament, ratifies and appreuis, all and quhatſumever actes and ſtatutes maid of befoir, be his hienes, with adviſe of his Regentis, in his awin reigne, or his predeceſſoures, anent the libertie and freedome of the trew Kirk of God and Religion, now preſently profeſſed within this Realme; And ſpecially ratifies and appreuis, the ſext act of his hieneſſe Parliament, halden the firſt zeir of his Majeſties reigne, intitulat, Anent the trew and halie Kirk, and of them that ar declared not to be of the ſamin. Ordaning the ſame to be heir inſert of new (becauſe of ſum defection and informalitie of words in default of the Prenter) in this forme. OVR Soveraine Lord, with adviſe of his three Eſtaites, and haill bodie of this preſent Parliament, hes declared and declaris the Miniſters of the bliſſed Evangel of Ieſus Chriſt, quhome God of his mercie hes now raiſed vp amangs vs, or heirafter ſall raiſe, agreeing with them that now liues, in doctrine and adminiſtration of the Sacraments, and the peopill of the Realme that profeſſis Chriſt, as he is now offered in his Evangell, and dois communicate with the halie Sacraments (as in the reformed Kirkes of this Realme ar publicklie adminiſtrate) according to the confeſſiõ of the faith, to be the trew & halie Kirk of Ieſus Chriſt, within this Realme, and decernis and declaris, that all and ſindrie, quha outher gainſayis the word of the Evangell, received and appreved; As the heades of the Confeſſion of the faith, profeſſed in Parliament of befoir, in the zeir of God, 1560. zeires: as alſwa ſpecified and Regiſtrat in the actes of Parliament, maid in the firſt zeir of his hieneſſe Reigne, mair particularlie dois expreſſe, ratified alſwa and appreved in this preſent Parliament; Or that refuſis the participation of the halie Sacraments, as they ar now miniſtrat; to be na members of the ſaid Kirk, within this Realme, and trew Religion now preſently profeſſed. Sa lang as they keip themſelues ſa devided, from the ſocietie of Chriſts bodie.

69 *Quhairin*

69 Quhairin conſiſtis the iuriſdiction of the Kirk.

OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes declared and granted juriſdiction to the Kirk, quhilk conſiſtis and ſtands in the preaching of the trewe worde of IESVS CHRIST, correction of maners, and adminiſtration of the halie Sacraments, and declairis that there is na vther face of Kirk, nor vther face of Religion, then is preſentlie be the fauour of GOD eſtabliſched within this Realme, and that there be na vther juriſdiction Eccleſiaſticall acknowledged within this Realme, vther, then that quhilk is, and ſalbe within the ſamin Kirk, or that quhilk flowis their-fra, concerning the premiſſes.

70 Diſcharge of Mercattes, and labouring on Sabboth-dayes, or playing and drinking in time of Sermon.

ITEM, Forſameikle as it is ſtatute and ordaned, be a gude and godlie Act, maid in the dayes of King IAMES the fourth, our SOVERAINE LORDIS Grand-ſchir, of worthie memorie, that there be na Mercattes nor Faires halden vpon Haly dayes, nor zit within Kirkes, or Kirkzardes vpon Halie dayes or vther dayes, vnder the payne of eſcheitting of the guddes; Quhilk Act, our Soveraine Lord, and his three Eſtaites, ratifies and appreuis and ordanis the ſame to haue effect and execution in time cumming. And ſeeing that the Sabboth-day, is now commounly violate and broken, aſweill within Burgh, as to Land-wart, to the great diſhonour of GOD, be halding and keiping of the ſaidis Mercattes and Faires, on Sabboth-dayes, vſing of handie-labour, and woorking thereon, as on the remanent daies of the oulk, & be gamming and playing, paſſing to Tavernes and Aile-houſes, and wilfull remaining from their Paroche Kirk, in time of Sermon or prayers on the Sabboth. THEIRFOIR his Majeſtie, and his three Eſtaites, in this preſent Parliament ſtatutis and ordanis, that there be na Mercattes nor Faires halden vpon the Sabboth-day, nor zit within Kirkes or Kirk zairdes, that day or ony vther day, vnder the paine of eſcheitting of the guddes, to the vſe of the pure within the Paroche. And ſiklike, that na handie-labouring, nor woorking, be vſed on the Sabboth-day, nor na gamming and playing, paſſing to Tavernes and Aile-houſes, or ſelling of meat or drink, or wil-full remaining fra their Paroche Kirk, in time of Sermon or Prayers on the Sabboth-day be vſed, vnder the paines following: That is to ſay, of everie perſon, for the handie-labouring & woorking, commonlie vſed be the pureſt ſort, ten-ſchillings, and for gamming, playing, paſſing to Tauernes and Aile-houſes, ſelling of meat and drink, and wil-full remaining from their Paroche Kirk, in time of Sermon or Prayers on the Sabboth-day, of everie perſon twentie ſchillings, to be applyed to the helpe and reliefe of the pure of the Parochin. And in caſe of the refuſe, or inhability of ony perſon offending in the premiſſes, to pay the ſaids paines *reſpectiuè*, preſentlie & indelaiedlie, vpon their apprehenſion or conviction, after lauchful tryal, he or ſche, ſal be put & halden in the ſtoks, or ſik vther engine, diviſed for publick puniſchment, be the ſpace of twenty foure houres. And for execution heirof, the Kingis Majeſties commiſſion of

Iusticiarie, sall be granted to sum persone in every Parochin, best affected and maist abill to performe the same, at the requeist of the Minister.

71 *Anent the zouth & vthers bezond sea, suspected to haue declined fra the trew Religion.*

ITEM, Becauſe sindrie of the zouth of this Realme, passing to the partes bezond sea, becummis corrupted in Religion, quhairof great inconvenient may follow. THEREFOIR it is statute and ordained, that all persones, the sonnes of Nobil-men, Gentil-men, or vthers pretending the cause of their departure to be for atteining to farther knawledge in letteris, sall before their said departure sute, & obteine the Kingis Majesties licence to that effect, conteining ane provision, that they sall remaine constant in the profession of the trew Religion, publicklie preached, and be Lawe estabilsched within this Realme, and do, nor procure nathing to the prejudice thereof, or of his Hienes and his Authoritie, vnder the paine of Barratrie. As alswa the saidis persones, within the space of twentie dayes, after their returning within this Realme, sall passe to the Bischop, Super-intendent, or Commissioner of the Kirks, within the bounds quhair they arriue, or happinis to make residence, & their offer to make & giue the Confession of their Faith, according to the trew and Christian religion preached, & be Law estabilsched within this Realme, or then within 40. dayes thereafter devoyde & remoue themselues furth of this realm, quhairin gif they failzie, that they be admonisched & persewed, as the Adversaries of the saide trew Religion. And for sik persones, as are alreadie furth of this realme, & hes declined fra the trew Religion, that the order appointed in the Lawes alreddie maid, be vsed & execute against them, according to the direction and tenour theirof, in all pointes.

72 *That housholders haue Bibles and Psalme buiks.*

ITEM, It is statute and ordaned be our Soveraine Lord, and his three Estaites in this present Parliament, that all gentil-men, housholders, & vthers worth 300. markes of zeirly rent or abone, and all substantious Zeamen or Burgesses, likewise housholders esteemed worth 500. pundes in landes or guddes, be haldē to haue an Bible, & Psalme buik in vulgar language in their houses, for the better instruction of themselues & their families, in the knawledge of God, within zeir and day after the date heirof, Ilk persone vnder the paine of x. pundis. And that the Provest & Baillies of ilk Burgh, & sik persons in every Parochin to landward, as sal haue the Kings Commission, search, inquire & trye quha failzies herein, & they being convict thereof, to vptak the said paine of every an that failzies, the third part to thēselues for their paines and the twa part to the help and reliefe of the pure of the Parochin.

73 *For the releif of the labourers of the ground, troubled for want of timous teinding of their Cornes*

THe Kings Majestie, & three Estaites of this present Parliament, vnderstāding the great skaith & inconveniēt, susteined be the labourers of the grounde within this Realme, throw the default of the Teinding of their cornes in dew time, be the malice of sik as hes titles, or takkes of their saidis teindes, oft times causing the saidis labourers of the ground, for default of

Teinding

Teinding of their ſaidis cornes in dew time, to tyne their cornes, or fall in danger of ſpuilzie. FOR remeid quhairof, our ſaid Soveraine Lord, with adviſe of his ſaidis three Eſtaites, ſtatutis and ordanis, That all perſons hauand titil or takkes to ony teind ſcheves, and being in vſe of teinding, or intending ony wiſe to leade the ſame, ſall paſſe or ſend, and cauſe teind the ſaidis cornes, ay as the ſamin is readie, within aucht daies after the ſcheering thereof, quhilk gif they delay to do, that at the end of the requiſition vnderwritten, it ſall be lauchfull to the awner of the ſaidis cornes, to tak twa honeſt Nichtbouris, ſworne in preſence of famous witneſſes, and to teind his ſaidis cornes, leade the ſtok therefra, and place the teind ſtakked vpon the ground, quhilk the awner of the ſaidis cornes, ſall be halden to keip vndeſtroyed and eaten be beaſtes, quhill the firſt day of November thereafter. Providing that he require teinding of the partie havand the titill, takke or richt to the ſaidis teind ſcheves, oppenlie in the Paroch Kirk, vpon three ſeueral Sabboth-daies before noone, after the ſcheering of the ſaidis cornes. Quhilk order being dewlie and faithfullie obſerved be the owner of the ſaid cornes, It ſall be ſufficient warrand and defence for him, againſt all action of ſpuilzie, that may be perſewed againſt him, for intromiſſion with his ſaidis cornes, he teindand thankfullie, with the perſone havand titill or takke of his ſaidis teindis, and making na impediment to the teinding & leading theirof in hie wayes, or vpon ony ground that is ſchorne.

74. *For puniſchment of ſtrang and Idill Beggars, and reliefe of the pure and impotent.*

FORSAMEIKLE as there is ſindrie lovabill Acts of Parliament maid be our Soveraine Lords maiſt nobill Progenitours, for the ſtanching of maiſterful and idle beggers, away putting of ſornares, and proviſion for the pure: Bearing, that nane ſall be thoiled to beg, nouther to Burgh nor to land, betwixt 14. and 70. zeires. That ſik as makes themſelues Fules and ar Bairdes, or vthers ſiklike runners about, being apprehended, ſal be put in the Kingis Waird or irones, ſa lang as they haue ony gudes of their awin to liue on. And fra they haue not quhairvpon to liue of their awin, that their eares bee nayled to the Trone, or to an vther tree, & their eares cutted off, & baniſhed the countrie, and gif there-after they be found againe, that they be hanged.

ITEM, That nane bee thoiled to begge in ane Parochin, that ar borne in ane vther. That the headeſ-men of ilk Parochin, make takinnes, & giue to the beggares theirof, that they may bee ſuſteined within the boundes of that Parochin. And that nane vther bee ſerued with almes, within that Parochin, but they that beares that takinne allanerlie, as in the Actes of Parliament maid their-anent, at mair length is conteined. Quhilkes in time bygane, hes not bene put to dewe execution, throw the iniquitie and troubles of the time by-paſt, and be reaſſoun that there was not heir-tofoir ane ordour of puniſchment, ſa ſpeciallie deviſed, as nede required, bot the ſaidis beggares, beſides the vthers inconvenientes, quhilks they daylie produce in the commoun wealth, procures the wrath and diſpleaſure of GOD, for

the wicked and vngodlie forme of living, vſed amangs them, without mariage or baptizing of a great number of their bairnes. THEREFOIR now, for avoyding of the inconvenients, and eſchewing of the confuſion of ſindrie Lawes and Actes, concerning their puniſchment, ſtanding in effect: And that ſum certaine execution, and gude ordour may follow their-anent, to the great pleaſure of Almichtie GOD, and commoun weill of the Realme: IT IS thocht expedient, ſtatute and ordaned, aſweil for the vtter ſuppreſſing of the ſaidis ſtrang and idle beggers, ſa contageous enimies to the commoun weill: As for the charitabill releeving of aged and impotent pure peopill, that the ordour and forme following bee obſerved: That is to ſay, that all perſones, being aboue the aige of fourtene and within the age of three-ſcoir and ten zeires, that heirafter ar declared and ſet foorth be this Acte and ordour, to be vagaboundes, ſtrang and idle beggars, quhilkes ſall happen at ony time heirafter, after the firſt day of Ianuar nixt-tocum, to bee taken wandering and miſordering themſelues, contrarie to the effect and meaning of thir preſentes, ſalbe apprehended, and vpon their apprehenſion be brocht beſoir the Proveſts and Baillies within the Burgh, and in everie Parochin to Landwart, beſoir him that ſalbe conſtitute Iuſtice be the Kingis Commiſſion, or be the Lords of Regalitie, within the ſamin to this effect: And be them, to bee committed in waird, in the commoun priſon, ſtokkes or irons, within their iuriſdiction, there to be keiped, vnlatten to libertie, or vpon bande or ſovertie, quhill they be put to the knawledge of ane Aſſiſe, quhilk ſalbe done within ſex dayes thereafter. And gif they happen to be convicted, to bee adjudged to be ſcourged and burnt throw the eare, with ane hote irone: The proceſſe quhairof ſalbe regiſtrate in the Court buikes. Except ſum honeſt and reſponſall man, will of his charitie, bee contented then preſentlie, to Act him-ſelfe beſoir the Iudge, to take and keip the offender in his ſervice, for ane haill zeir nixt following, vnder the paine of twentie pound, to the vſe of the pure of the Toun or Parochin. And to bring the offendour to the head Court of the iuriſdiction at the zeires end, or then gude pruife of his death, the Clerke taking for the ſaid Acte, twelue pennies onely: And gif the offender depart and leaue the ſervice within the zeir, againſt his will that receiuis him in ſeruice: Then being apprehended, he ſall be of new preſented to the Iudge, and be his command, ſcourged and burnt throw the eare, as is foirſaid. Quhilk puniſchment, being anis received, hee ſall not ſuffer againe the like, for the ſpace of three ſcoir dayes there-after, bot gif at the ende of the ſaidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he ſall be adjudged, and ſuffer the paines of death as a thief.

Vagabounds & idle beggars ſuld be puniſhed.

Of him quha flyes fra his maſters ſervice

And that it may be knawen, quhat maner of perſones ar meaned to bee idle and ſtrang beggares, and vagabounds, and worthie of the puniſchment beſoir ſpecified. IT IS declared, that all idle perſones, ganging about in ony Countrie of this Realme, vſing ſubtill, craftie, and vnlauchfull playes, as Iuglarie, Faſt-and-lous, and ſik vthers. The idle peopill calling themſelues *Egyptians* or any vther, that feinzies them to haue knawledge or

Quha ſuld be eſteemed vagabounds & idle beggars.

Cha-

Charming, Prophecie, or vthers abuſed ſciẽces, quhairby they perſwade the peopill that they can tell their weirdes, deathes and fortunes, and ſik vther phantaſticall imaginations: and all perſones being haill and ſtarke in bodie, and abill to woorke, alledging them to haue bene herried or burnt, in ſum far pairt of the Realme, or alledging them to be baniſhed for ſlauchter, & vthers wicked deides: and vthers nouther hauand land nor Maiſters, nor vſing ony lauchfull merchandice, craft or occupation, quhairby they may win their livings, and can giue na reckoning how they lauchfullie get their living: and all Minſtrelles, Sangſters, and Tale-tellers, not avowed in ſpeciall ſervice, be ſum of the Lords of Parliament or great Burrowes, or be the head Burrowes & Cieties for their commoun Minſtrelles: al common labourers, being perſonnes abill in bodie, living idlie, and fleeing labour: all counterfaicters of licences to beg, or vſing the ſame, knowing them to be counterfaicted: all vagabound ſchollers of the Vniverſities of *Saint-Andrewes*, *Glaſgow* and *Abirdene*, not licenced be the Rector and Deane of Facultie of the Vniverſitie, to aske almes: all Schip-men and Mariners, alledging themſelues to be ſchipbroken, without they haue ſufficient teſtimonialles, ſalbe taken, adjudged, eſteemed and puniſhed, as ſtrang beggarres and vagaboundes. And gif ony perſon or perſones, after the ſaid firſt of Ianuar nixt-tocum, giues money, harberie or ludgeing, ſettis houſes, or ſhawis ony vther reliefe, to ony vagabound or ſtrang begger, marked or to be marked, wanting an licence of the Proveſt and Baillies within Burgh, or of the Iudge within that Parochin: The ſamin being dewlie provin at the Court, they ſall pay ſik vnlaw to the vſe of the pure of the Parochin, as be the Iudge, at the Court ſalbe modified, ſwa the ſame exceed not fiue punds. And alſwa, gif any perſon or perſones, diſturbis or lettis the execution of this Act ony maner of wayes, or makis impediment againſt the Iudges and ordinarie officiars, or vthers perſones, travelling for the dew execution heirof, they ſall incur the ſame paine quhilk the vagabound ſuld haue incurred, in caſe he had bene convict. Providing alwaies that ſchipmen & ſouldiours, landing in this Realme, haue licence of the Proveſt or Baillie of the towne, or Iudge in the Parochin, quhair they war ſchippe-broken, or firſt entred in the Realme, ſall, and may paſſe, according to the effect of their licences, to the rowmes quhair they intend to remayne. And that the licences onelie ſerue, in the juriſdiction of the giver; Sa that gif the perſon travelling hame, haue farther journey, he procure the like licences of the Iudge of the nixt Parochin or town, throw quhilk he mon paſſe, and ſa fra Parochin to Parochin, quhill he be at his reſting place. And that there be certaine perſones, ane or maa nominate, in everie Burgh and Parochin, be the officers and Iudge thereof, for ſearching, receiving, and convoying of the vagaboundes, to the commoun priſon, Irones or ſtokkes, vpon the cõmoun charges of the Parochin. Quhilkes perſones ſa erected, ſal be halden to do their dewtie diligentlie, as the ſaidis Iudges will anſwere therevpon. And ſeeing charitie wald, that the pure aged, and impotent perſones, ſuld be als neceſſarilie provided, as the vagaboundes and ſtrang beggars repreſſed, & that the aged, impotent, and pure people, ſuld haue ludgeing and abiding places, throughout the Realme, to ſettle themſelues intill.

Of them quha mainteines or receipts vagabunds

Of them quha ſtaies the execution of this Act.

Of ſoldiers and ſchipbrokẽmen

Searchers of vagabounds.

Reparatiõ of Hoſpitalles, for aged and impotent perſones.

IT IS therefore thocht expedient, ſtatute and ordaned, that the Lorde Chanceller, according to the direction, of ſindrie lovabill Actes of Parliament heirtofoir maid, ſall call for the erectiones of all Hoſpitalles, to be produced befoir him, and inquire and conſidder, the preſent eſtait theirof, reducing them, ſa far as is poſſible, to the firſt inſtitution, as may beſt ſerue, for the helpe and reliefe of the ſaidis aged, impotent, and pure peopill. And als

Inquiſitiõ ſuld be taken of aged, pure, and impotent perſones.

that the Proveſts and Baillies of ilk Burgh and towne, and the Iuſtice conſtitute, be the Kings commiſſion, in euery Parochin to landwart, ſall betuixt & the firſt ſaid day of Ianuar nixt-tocum, take inquiſition of all aged pure, impotent and decayed perſones, borne within that Parochin, or quhilkes war dwelling, and had their maiſt commoun reſorte in the ſaide Parochin, the laſt ſeven zeires by-paſt, quhilkes of neceſſitie mon live bee almes, And vpon the ſaid inquiſition, ſall make ane Regiſter buike, conteining their names, and ſur-names, to remaine with the Proveſts and Baillies within Burgh, and with the Iuſtice in everie Parochin to Land-wart: And to

All pure people ſuld returne to their awin parochin. And of their ſuſtẽtatioun.

the effect, that the number of the pure people of everie Parochin, maye be knawin, ſtatutis and ordanis, that all pure peopill, within fourtie dayes after the Proclamation of this preſent Acte, at the mercat Croce of *Edinburgh*, repayre to the Parochin, quhair they were borne, or had their maiſt commoun reſorte or reſidence, the laſt ſeuen zeires by-paſt, and there ſettill them-ſelues, vnder the paine, to bee puniſhed as vagaboundes, and contravenars of this preſent Proclamation: And the ſaid ſpace of fourtie dayes being by-paſt: That then, the Proveſts and Baillies within Burrowes, and the Iudge conſtitute, be the Kingis commiſſion in ilk Parochin, to Land-wart, make a Catalogue, of the names of the ſaidis pure people, inquire the men and wemen, quhair they wer borne, quhidder they ar maryed or vn-maried, quhen, & be quhom they war maried, and quhat bairnes they haue, and quhair their bairnes wer baptized, and to quhat forme and trade of life, they addreſſe them-ſelues, and their ſaidis bairnes: Gif they be diſeaſed or haill, and abill in bodie, and quhat they get commounly on the daie, be their begging: And ſik as neceſſarilie mon be ſuſteined be almes, to ſee quhat they may be maid content of their awin conſentis, to accept dailie to liue vnbeggand, and to provide quhair their remaining ſall be, be them ſelues, or in hous with others, with adviſe of the Parochiners, quhair the ſaidis pure peopil, may be beſt ludged and abyde. And therevpon, according to the number, to conſider quhat their neidefull ſuſtentation will extende to everie oulk: and then, be the gude diſcretions of the ſaidis Proveſts, Baillies and Iudges, in the Parochinis to Land-wart, and ſik as they ſall call to them to that effect, to taxe and ſtent the haill inhabitantes within the Parochin, according to the eſtimation of their ſubſtance, without exception of perſones, to ſik ouklie charge and contribution, as ſalbe thocht expedient and ſufficient, to ſuſteine the ſaidis pure peopill. And

Collectors for almes.

the Names of the inhabitants ſtented, togidder with their taxation, to bee likewiſe regiſtrate: And that at their diſcretion, they appoynt over-ſeers and Collectours in everie Burgh, Toun and Paroche, for the haill zeir, for

Ouer-ſaers

collecting and receiving of the ſaid oulklie portion, quhilkes ſall receiue the

ſame,

ſame,& deliver ſa meikle theirof to the ſaidis pure people,& in ſik maner, as the ſaidis Proveſts and Baillies within Burgh, and Iudges, in the Parochin to Landwarte, *reſpectiuè*, ſall ordane and command; And that ouerſeeres of the ſaidis pure peopill, be appoynted be their diſcretions, to continue alſo for a zeir. And at the end of the zeir, that the taxation and ſtent Roll, be alwaies maid of new, for the alteration that may be throw death, or be increſ or diminution of mennes guddes and ſubſtance. And that the Proveſts and Baillies in Burrowes or tounes,& the ſaidis Iudges, in the Parochinnes to Land-wart, ſall giue an Teſtimoniall to ſik pure folk, as they finde not borne in their awin Parochin, or making reſidence therein, the laſt ſeuen zeires, ſending or directing them to the nixt Parochin, & ſa fra Parochin to Parochin, quhil they be at the place quhair they wer borne, or had their maiſt commoun reſort & reſidence, during the laſt ſeuen zeires preceeding; there to be put in certaine abiding places,& ſuſteined vpon the commoun almes, & oulklie contribution, as is befoir ordaned, except Leprous peopill, & bedfaſt peopil, quhilks may not be tranſported. Providing that it be leifful to the pure peopil, ſa directed, to their awin abiding places, with Teſtimonialles to aske almes in their paſſage, ſa as they paſſe the direct way, not reſting twa nichtes togidder in ony an place, without occaſion of ſeekeneſſe or ſtorme impeede them.

The ſtent Roll.

Teſtimonialles to bee given to the pure.

And gif ony of the pure peopill refuſe to paſſe and abide in the places appoynted, or after the appoyntment, be found begging, then to be puniſhed be ſcourging, impriſonment,& burning throw the eare, as vagabounds and ſtrang beggars: and for the ſecond fault, to be puniſhed as thieues, as is befoir appoynted. And gif the perſones choſen Collectoures, refuſe the office, or having accepted the ſame, beis found negligent therein, or refuſis to make their compts everie half zeir anis, at the leaſt, to the Proveſts and Baillies in Burrowes, and to the ſaidis Iudges in Land-wart, and to deliuer the ſuper-plus of that quhilk reſtis in thair handes, at the end of the zeir, or halfe zeir, to ſik as ſalbe choſen Collectours of new: Then ilk-ane of the Collectours ſo offending, ſall incur the paine of twentie punds, to the vſe of the pure of that Parochin, and impriſonment of their perſones, during the Kingis will: For quhilkes paines, the ſaidis Proveſts, Baillies and Iudges, ſall poynd and diſtrenzie: And gif ony perſones, being abill to further this charitable woorke, will obſtinatlie refuſe to contribute to the reliefe of the pure, or diſcourage vthers from ſa charitabill ane deede; The obſtinate or wilfull perſon, being called befoir the ſaidis Proveſts and Baillies within Burgh, or Iudges in the Parochin to land-wart, and convict thereof, be ane Aſſiſe, or ſufficient teſtimonie of twa honeſt & famous witneſſes his nichtbours, vpon the ſupplication of the ſaidis Proveſts, Baillies and Iudges, to the Kings Majeſtie, and his privie Councell: the obſtinate and wilfull perſon or perſones, ſalbe commanded to waird in ſik pairt, as his hienes, and his Councell ſal appoynt,& there remaine, quhil he be content with the ordour of his ſaid Paroch, and performe the ſame in deede; And gif the aged and impotent perſones, not being ſa diſeaſed, lamed or impotent, bot that they may woork in ſum maner of wark, ſalbe bee the ouerſeers in ony Burgh or parochin

Of the pure refuſand to returne to their awin Parochin.

Collectors

Of them quha refuſis to cõtribute to the help of the pure.

Of the pure refuſand to woorke.

chin,appoynted to wark, and zit refuſis the ſame: Then firſt the refuſer to be ſcourged, and put in the ſtokkes: & for the ſecond fault,to be puniſhed as vagabounds,as ſaid is. And gif any beggers bairne, being aboue the age of fiue zeires,and within fourteene,male or female, ſalbe liked of, be ony ſubject of the Realme of honeſt eſtait: The ſaid perſon,ſall haue the bairne,be ordoure and direction of the ſaids Proveſt & Baillies within Burgh, or Iudge in every Parochin to Landward. Gif he be a man-child,to the age of xxiiij. zeires,and gif ſche be a woman child, to the age of xviij. zeires,and gif they depart,or be taken or intiſed from their Maiſter or Maiſtres ſervice, the maiſter or maiſtreſſe,to haue the like action and remedie,as for their hired ſervand or prentiſes, aſweil againſt the bairne,as againſt the taker, and intiſer theirof. And quhair collecting of money may not be had, & that it is ouer great ane burding to the Collectours, to gadder victualles, meat & drink,or vther things, for reliefe of the pure in ſum Parochinnes; That the Proveſt and Baillies, in Burrowes,and the ſaidis Iudges,in the parochinnes to landwart,be adviſe of certaine of the maiſt honeſt parochiners, giue licence vnder their handwrits to ſik,and ſa many of the ſaidis pure people, or ſik vthers of them,as they ſall think gude, to aske and gadder the charitable almes,of the Parochiners, at their awin houſes. Sa as alwaies, it bee ſpeedely appoynted and aggried, how the pure of that Parochin, ſalbe ſuſteined within the ſame, and not to be chargeable to vthers, nor trouble-ſome to ſtrangers. And ſeeing be reaſſon of this preſent act and ordour,the commoun priſones, irones & ſtokkes of everie head Burgh of the Schire, and vthers Townes,ar like to be filled, with ane greater number of priſoners,nor of befoir hes bene accuſtomat, in ſa far, as the ſaidis vagaboundes, and vthers offendours, ar to be committed to the commoun priſon of the Schire or towne, quhair they were taken,the ſame priſones being in ſik townes,quhair there is great number of pure peopill, mair nor they ar weil abill to ſuſteine and reliefe: And ſa the Priſoners ar like to periſh in default of ſuſtenance: Therefoir the expenſes of the priſoner, ſalbe payed be a pairt of the commoun diſtributions, & oukly almes of the Parochin,quhair he or ſche was apprehended, allowand to ilk perſon daily ane punde of Ait breade,and water to drink. For payment quhairof, the preſenter of him to priſon, ſal giue ſovertie, or make preſent payment. And that the Schireffes,Stewardes and Baillies of Regalities,and their Baillies overall the Realme, and their deputes, ſee this preſent act,put to dew execution in all poyntes, within their juriſdictions *reſpectiuè*,as they will anſwere to God, and our Soveraine Lord thereupon. And quhatever doubt or ambiguitie ſall happen to ariſe vpon this preſent Act, or ony pairt thereof: OVR Soveraine Lord,with adviſe of his ſaidis three Eſtaites,committis the interpretation, explanation,ſuppliement, and ful execution thereof,to his Majeſtie, with adviſe of his priuie Councell.

Of beggeris bairnes.

Collection of victualles,meat, & drinke.

Expenſes of priſoners.

Execution of this act.

Interpretation of this act.

75 *For puniſhment of perſones, that contemnandly remaynes rebelles,and at the Kings Horne.*

FOrſameikle,as the contempt of our Soveraine Lordis authoritie, and of the Lawes and ordinar Iuſtice of the Realme, is the ground & fountaine

fra

fra quhilk, the maiſt part of all confuſion and diſordour proceedis, and amangs vthers evilles, the diſobedience of the proceſſe of horning is ſa great and commoun, that the perſones denunced rebelles, takes na feare theirof, and the parties hurt and intereſt, that hes obteined decreetes and letters, with their infinite expenſes and coaſte, can get na execution nor redreſſe. And how beit, be an Acte and ordinance, maid be the Lordes of Seſſion, It was provided, that all Officiars, immediatly after their denuntiation of ony perſones to the horne, ſuld paſſe to the Schireffe of the Schire, quhair they dwelt, and intimate to him the ſame, requiring him in our Soveraine Lordis name and authoritie, to make ane jūſt inventure of all the ſaidis perſones guddes, to the effect, that the ſamin micht be inbrocht to his hieneſſe vſe, for their contemption: And that the ſaidis Officiars, ſuld deliver to the ſaide Schireffe ane authentick copie of the ſaidis letters, with the execution of the ſame, ſubſcriued with their hand, and within aucht dayes thereafter, ſuld pas to the Theſaurer or his Clerkes, and deliver to them ane vther copie of the ſaidis letters, with the execution of the ſame, in like maner ſubſcriued, with the ſaidis Officiars handis, to the effect foirſaid, conforme to the ſaid Acte and ordinance. Nevertheleſſe the ſamin hes bene neglected of the maiſt pairt, and na wiſe followed be the ſaidis Officiars; Swa that the impunitie of ſik heynous attemptates, and open Rebellion, hes brocht our Soveraine Lordis authoritie in contempt, and maid the multitude of rebelles ſa great, that it ſalbe difficill to knaw them fra the Kings obedient ſubjectes, without ſum haiſtie remeede be provided. Notwithſtanding, that be the foirſaid ordinance of the Lordes of Seſſion, and vthers lovabill Lawes and acts of Parliament, eſtabliſhed be his Hienes, & his maiſt Noble progenitors gude ordour be taken for avoyding of the ſaid cōfuſion: zit the negligence of the dew execution theirof, hes bred this great incovenient. Quhilk now our Soveraine Lord, for the furtherance of his obedience, and vniverſal weil of his ſubjectes, preſently intends, as God ſall grant oportunitie, to remeid. Theirfoir his Hienes, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordanis, that all letters of horning, execute and indorſat, or that ſall happen to be execute and indorſat, befoir the publication of this preſent act, ſall within the ſpace of fifteene dayes, after the publication theirof, and in all time thereafter, within the ſpace of fifteene dayes, after the denuntiation, be brocht to the Schireffe-Clerk of everie Schiredome, quha ſall regiſtrate the ſame, in the Schireffes buikes, and deliuer the principall letters againe execute and indorſat, and noted on the back, regiſtrate ſik a day, and ſubſcrived with his hand, within twenty foure houres, after the receipt theirof, and ſal receiue fra the partie awner and preſenter of the ſaidis letters, for his labourers only ſex ſchillings aucht pennies.

Letters of horning ſuld be regiſtrat.

The quhilkes letters and executions theirof, ſwa regiſtrate & ſubſcrived on the back, be the ſaid Schireffe-Clerk, or the copie theirof authenticklie extracted foorth of the ſaid Schireffe buikes, ſubſcrived be the ſaid Schireffe and Clerk, ſalbe eſteemed as authentick, & ſal haue effect & force in quhatſumever Iudgement they happen to bee produced, ay and quhill the partie ſwa denunced to the Horne, obteine him ſelfe ordourlie relaxed theirfra:

Quhilk

Quhilk relaxation, ſall alſwa be maid publicklie, at the mercat Croce of the Schire, quhair he dwellis, and quhair the denuntiation of horning was maid: and that the ſaid relaxatiõ, & executiõ theirof, ſalbe likewiſe regiſtrate in the ſaid Schireffes buikes, within xv. dayes after the publication thereof, at the mercat Croce, and be alſwa regiſtrate and ſubſcriued on the back, in maner foirſaid, vtherwiſe the ſaidis letters of horning & relaxations, ſall na wiſe bee halden lauchfullie and ordourlie execute, bot the executiones theirof nul. And that all Schireffes haue honeſt famous men to their Clerkes, quha be them ſelfes, or their ſufficient deputes, ſalbe halden, to be alwaies reſident, within the head Burgh of the Schire, for receiving and regiſtring of the ſaidis hornings and relaxationes, as they ſall occur, and ſall do the ſame trewlie and ordourlie, within xxiiij. houres, vnder the paine of payment of the damnage and intereſt, that the partie skaithed happinnis to ſuſteine in their default, at the ſicht and modification of the Lordes of Councel and Seſſion: And that ilk Schireffe, cauſe the names of all the perſones, ſwa denunced and remayning in his regiſter, to be openlie publiſhed and proclaymed, at the mercat Croce of the heade Burgh of the Schire, vpon the mercat dayes, preceeding the three head Courtes zeirlie, and affixe the Catalogue of their names, baith on the mercat Croce, and in the Tolbuith, that gif ony of them hes action to perſew, they may be repelled *ab agendo*, and na wayes to be deleete furth of the ſaid Catalogue, quhil they be lauchfullie & dewlie relaxed fra the horne. And that everie Schireffe, within the ſpace of xv. dayes, after the heade Court, ſend the Catalogue of the Names of the ſaids Rebelles, regiſtrate in his buikes, and ane briefe note of the cauſes, for quhilk they ar denunced, to our Soveraine Lordis Theſaurer, or his Clerk, quha ſalbe halden with all diligence to raiſe letters, and cauſe vptake the eſcheittes of the rebelles, to our Soveraine Loris vſe. And quhen our Soveraine Lords comptroller, Collectour generall, or ony vther perſon, preſents letters of horning, dewlie execute and indorſat, to the ſaid Lord Theſaurer, or his Clerk, for ſpeciall ſummes of money or debt: The Theſaurer ſall cauſe raiſe letters thereupon, at his inſtance, for vp-taking of the eſcheit, direct outher to the Schireffe of the Schire, or his deputes, or to Officiars of Armes, as it may beſt ſerue, be adviſe of the complener, of the readieſt and firſt ende of the quhilk eſcheit, the partie complener, ſalbe payed of his iuſt debt, with the officiars expenſes, & the ſuper-plus of the ſaid eſcheit, to be brocht in to his Majeſties Theſaurer, within the ſpace of ane moneth thereafter. Providing that the partie complener, and preſenter of the letters, to the Theſaurer, make the firſt expenſes vpon the Schireffe or Officiar, that ſalbe directed, for vptaking of the ſaidis eſcheit guddes, quhil the eſcheit ſelfe, may releeue the ſaidis expenſes, and then the ſame to be tane, and allowed of the eſcheit. And in caſe the officiar direct for vptakking of the ſaid eſcheit, beis violently deforced & ſtopped in execution of his office, then vpon the complaint of the ſaid Lord Theſaurer, or of the officiar or partie, that wants payment of his debt, letters ſalbe direct, be deliverance of the Lordes of Councell, chargeing the Schireffe of the Schire, & his deputies: Or gif it be vnderſtand, that the Schireffe will not, or may not, chargeing ſum of the Nobill-men, Barrones gentlemen

Relaxatiõ ſuld be Regiſtrat.

Shireffe, Clerkes

The names of the Rebels ſuld be publiſhed.

And giuẽ to the theſaurer. Eſcheit ſuld be taken vp be the Theſaurer

Deforcement of the officiar

men of gude power within the Schirefdome, beſt affected to the furth ſetting of our Soveraine Lords authority & juſtice, to cõvocate his hienes lieges in weir-like maner, & to paſſe & concur with the ſaid Officiar, that befoir was deforced and ſtopped, & ſee the command of the letters execute reallie, and with effect, befoir they depart off the ground, quhair the ſaids eſcheit guddis remainis: In the quhilk execution, they ſal haue al freedomes, priviledges, & immunities, that ar granted be the lawes of this realme, to ſik perſones as perſewis the Kings rebelles, to bring them to his Lawes. Providing that this act, nor nathing therein conteined, be prejudicial to the Lordes of Regalities, or their Baillies, bot they to vſe & bruik their richt & priviledges, baith in executiõ of letters, & in vptaking of eſcheits, as they micht haue done, befoir the making of this preſent act. And howſoever the eſcheit be vptaken, vpon horning execute, for ſummes of money, quhidder be the Schireffes, and vthers ordinar Iudges, be their awin authoritie, or at command of our Soveraine Lordis letters, that alwaies the partie complener, be firſt ſatiſfied of the juſt debt, with the Officiars expenſes.

The creditor is preferred to the King.

76 *For remeede of the fraude and diſorder, vſed be Officiars of Armes, in execution of Criminall letters.*

ANENT the complaint maid to our Soveraine Lord, and three Eſtaites of this preſent Parliament, be the pure Commouns vniverſallie, within this Realme, makand mention, that quhair as it is not vnknawin to his Hienes, and his Eſtaites, how IAMES Erle of *Mortoun*, Lord of *Dalkeith*, in his late Regiment, for gude ordour to be had amangſt his Majeſties Officiars of Armes, and vthers parties, that rayſed and perſewed letters vpon ſlauchters, mutilations, and vthers capitall crimes, quhairby ane great multitude of complices was ſummond and given in bill, and ſik colluſion vſed betuixt the parties and Officiars foirſaidis executors thereof, that compoſition was tane for deleeting of their names, to the great prejudice of his Majeſtie, they being oft times knawen as guiltie of the ſamin crimes, and zit could not be perſewed at the diet appoynted thereto, in reſpect that na ſovertie was found, for reporting of the ſaidis letters, dewlie execute and indorſat, vpon the ſadis complices: And therefoir command was given, be his Hienes lait Regent foirſaid, to the juſtice Clerk and his deputie; That na letters criminal, in time cumming, ſuld be direct, nor paſt be them, for ſummonding ony complices, to be given in bill, be the partie purcheſſer thereof, bot that the hail perſones complened vpon, ſuld be nominate in the bodie of the principall letters. Nevertheleſſe it is of veritie, that divers our Soveraine Lordis Officiars of armes foirſaidis, without power or Priviledge granted to them, be vertew of the ſaidis criminal letters, not only hes ſummond, & daily zit ſummonds, divers perſones, as complices given in bill, and not nominate in the letters foirſaidis, compelland there-throw ane great pairte of the ſaidis complices, to travell, vppon their ſumpteous charges and expenſes, to his Majeſties Burgh of *Edinburgh*, And vther-wayes vſes ſik extortion, that the ſubjectes ar compelled to giue the ſaidis Officiares compoſition to deleete their names: Like as alſwa to their greater wrack and heirſchip, the ſaidis Officiares bee colluſioun of divers parties, purcheſſeris of the ſaidis letters,

hes

hes ſummond & daylie zit ſummonds ſik multitude of Aſſiſoures, to particular diets, that be compoſition receiued be the ſaidis officiars, fra ſubſtantious perſones, quhom they deleete, and drawis furth of their tikket, after they be ſummound, there is be appearance of their extortion, neir als meikle profite and compoſition collected, as wald ſatiſſie the parties againſt quhome the crimes ar committed, and na vthers ar put in Roll, to compeir vpon the Aſſiſe, but a multitude of his hieneſſe pure commounes foirſaidis, quha hes not money to pay compoſition: to their great hurt, travell and expenſes: as alſwa to the prejudice of his Majeſties Theſaurer, and advocates for his hieneſſe intereſt, quhilkes, for want of ane ſufficient number of Aſſiſoures, ar compelled to conſent to the continuation of ſindrie cauſes. Therefoir, our Soveraine Lord, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordanis, that the Iuſtice Clerke, and his deputes, ſall direct na letters in time cumming, for calling of ony complices generallie, to vnderly the Law, bot that the letters be vpon ſpecial perſones complened vpon. And that no Schireffe or Officiar of armes, executor of ony criminall letters, preſume to take vpon hand, to charge or vſe execution, vpon ony complices giuen in bill, attour the bounds and direction of the letters, nor to ſummound ony maa perſons vpon ane Aſſiſe, then fourtie fiue, quhilkes he ſall receiue in Roll, fra the partie perſewer, ſubſcribed with his hand, and ſall annex the ſame Rol, vnaltered or cancelled, to the end of his execution, vnder the paine of fiue hundreth markes, to be incurred be his ſovertie, and the ſaid Officiar to be deprived of his office, & to ſuffer farther paines in his bodie & guddes, at our Soveraine Lordis will. And gif ony partie perſewer, findis that of neceſſitie, hee mon haue ane greater number ſummoned vpon the Aſſiſe, vpon his ſupplication, the ſame ſalbe granted, as it ſall appeir reaſonabill. In quhilk caſe, the Officiar may ſummound ſa many maa, vpon the Aſſiſe, as he ſall be directed be the letters, and receiue in Roll, ſubſcrived be the partie, without incurring the paine aboue written.

the names of al complices ſuld be contei ned in the letters.

Aſſiſores in number 45. ſuld be giuen in Roll.

77 *That the paines of Law-borrowes, ſalbe diuided betwixt the King and the partie.*

FORSAMEIKLE as the paines of breaking of law-borrowes, hes bene negligentlie taken vp in time by-gane, be reaſſon the partie offended vnto, receiued na commoditie, be the perſute of the action. THEREFOIR it is ſtatute and ordaned, be our Soveraine Lord, with adviſe of the three Eſtaites of this preſent Parliamēt: That the pains of breaking of law-borrowes to be fund in time cumming, ſalbe equallie divided, the ane halfe to our Soveraine Lordis vſe, and the vther halfe, to apperteine to the partie offended vnto, quha ſall haue action to perſew therfoir.

78 *Againſt ſik as troubles their Nichtboures, be criminall perſute ſake-les.*

FOr ſameikle, as ſindrie perſones of meere malice and envie, calumniatis innocent perſones, & daylie perſewis them befoir the juſtice, vpon paines criminall, quhairof the perſones accuſed being innocent, ar acquite and maid

maid cleane be the Aſſiſe. And likewiſe ſindrie perſones, that outher in their awin Names, or be the Kingis Aduocates vpon their information, raiſis criminall letteris and ſummoundis Aſſiſes, from the far partes of this Realme, oft times vſis to paſſe fra the perſute of the letteris at the Bar, to the great prejudice of our SOVERAINE LORD, and troubill of his hienes lieges. For remeede quhairof, our Soueraine Lord, with aduiſe of his three Eſtaites of this preſent Parliament ſtatutis and ordanis, That the ſaidis injuſt perſeweris ſall pay the paines and vnlaw *Reſpectiuè* following, in caſe the perſones accuſed happennis to bee acquite of the crymes, layde to their charge, to be equally diuided betuixt OVR SOVERAINE LORD and the partie acquite. That is to ſay, gif the partie acquite be onlie ane perſon or maa, of, or within the number of ten, the ſumme of ten pundes, and gif the number acquite bee paſt the number of ten, the ſumme of twentie pundis, & that doome be giuen theirupon befoir the Iuſtice, without farther calling, and the perſewer halden in waird, quhill he make payment. And gif the Kingis Majeſties Advocat be onlie perſewer, his informer to pay the paine foirſaid, And letteris of poinding or horning to be direct, for payment theirof, vpon the Act of Adjornall without vther calling or Proces of Law. And that in time cumming, the Iuſtice Clerke and his deputes, at the granting of letteris, take ſouertie for againe-bringing of the letteris dewlie execute and indorſat, and that the raiſeris theirof, ſall perſew the ſamin letteris at the day appoynted, vnder the paine conteined in the Acts of Parliament.

79 *Anent the cheiſsing of Inqueiſtes in cauſes of Perambulatioun.*

BECAVSE There is mony and ſindrie brieues of perambulation, raiſed within this Realm, quhairin the raiſeris of the ſaidis brieues foundis themſelf vpon na bounded euident, bot intendis to verifie and preive their clame of the meithis and marches of the landes debaitabill, be the perſones of inqueſt being men of ſmall rent or liuing, and ſum of them hauing na heritage, and ſiklike be ſindrie perſones, quha kennis nocht the landes debaitabil, nouther zit dwellis in the countrie neare the ſamin, thinking na objection may be maid againſt them, ſwa that they be *Probi & fideles homines Patriæ*, quhilk as ſum thinkis, honeſt and faithfull, hauand geir, woorth the Kingis vnlaw, and ſubjectes of the Realme, quhair euer they dwell far or neare. Quhilk gif it wer trew, men of na heritages ſuld be Iudges, and alſwa witneſſes to the property of landis, and tak away mennis heritages & landes pertening to them, and adjudge the ſame to vtheris, quha hes little or na richt to the ſamin. THEREFOIR It is ſtatute and ordaned, That in all time cumming, in cauſes of Perambulation, na perſones be receiued vpon the Inqueſt theirof, bot honeſt ſubſtantious men, hauing heritage of their awin, and quha beſt knawis the meithes of the ſaidis landes, and dwellis maiſt eweſt the ſamin, To wit, within the Schirefdome quhair the ſaidis landes debatabil lyis (gif they may be had within the ſamin) and foure halfis about, or foure nixt Schires, gif they can not be conuenientlie had within

the Schire it ſelf. And this to be vniuerſallie obſerued, quhen the brieue and clame of Perambulatioun, can not be verified be ane bounded Evident, nor vther authentick writtes.

80 Anent the ſubſcription and inſerting of Witneſſes in Obligationes, and vtheris writtes of importance.

ITEM, It is ſtatute and ordained be our Soueraine Lord, with adviſe of his three Eſtaites in Parliament, that all Contractes, Obligationes, Reuerſiones, Aſſignationes and diſcharges of Reverſiones, or eikes theirto, and generallie all writtes importing heritabill titill, or vtheris bandes and Obligationes of great importance to be maid in time cumming, ſall be ſubſcriued and ſeilled, be the principall parties, gif they can ſubſcriue, vtherwiſe be twa famous Notars befoir four famous witneſſes, denominat be their ſpeciall dwelling places, or ſum vther evident takens, that the witneſſes may be knawen, being preſẽt at that time, vtherwiſe the ſaidis writs to mak na faith.

81 Preſcription in cauſes of ſpuilzies and Eiectiones.

ITEM, It is ſtatute and ordained be OVR SOVERAINE LORD, with adviſe of his three Eſtaites in Parliament, that all actiones of ſpuilzies, Eiectiones and vtheris of that nature be perſewed befoir the ordinar Iudge, within three zeiris after the committing theirof, vtherwiſe the perſeweris alledged hurt, neuer to be heard there-after. Prouiding that this Act extend not to Minours, bot to perſew within three zeires after their perfite age.

82 Preſcription in cauſes of Remooving.

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, that all actions of Remooving be perſewed within thre zeiris after the warning, with certification & they failzie, the warneris ſall neuer be heard there-after to perſew the ſamin vppon that warning.

83 Preſcription in certaine cauſes of debt.

ITEM, It is ſtatute & ordained be our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, that all actiones of debt, for houſe-mailles, mennis ordinars, ſeruands fees, Merchantes comptes, & vther the like debts, that are not foũnded vpon written Obligationes, be perſewed within three zeires, vtherwiſe the creditour ſall haue na action, except he outher preiſe be writ, or be aith of his partie.

84 Againſt the deſtroyeris of planting, haning and policie.

FOR SAMEIKIL As there is ſindrie louabil & gud Acts, maid be our Soueraine Lord, & his maiſt Nobil Progenitouris, ſpecially be his hienes Gudſchir King *Iames* the Fift, of gud memory, anent planting of Wooddes, Forreſtes and Orchardes, ſawing of Broome, againſt the deſtroyeris theirof, breakeris

of Dowcattes, Cunningaires, Parkes, ſtankes, zairdes, ſlaying of Haires, makeris of Mure-burne in forbidden time, and ſindrie like vther thingis, for puniſchment of the deſtroyeris of planting, haning and policie. Quhilks Acts, our ſaid Soveraine Lord, with adviſe of his three Eſtaites in this preſent Parliament, ratifies, appreuis and confirmis, and ordanis them to haue effect and execution in time cumming, not only vpon the contraveners theirof, bot alſwa vpon the deſtroyers and ſtealeris of Bees, and cutteris and pulleris of Broome, with this addition, that quhatſumever perſon ſtealis, pealis, and deſtroyis green-wood, pullis or cuttis haned Broome, breakis zairdis, or orchardes, without the gude will of the awner: That the offender being taken reid hand, may be perſewed, and put to the knawledge of ane Aſſiſe, befoir the Barron or Landes-lord of the land or ground, quhidder the offender be his tennent, vnto quhom the wrang is done or not, within three dayes after the apprehenſion: And vthers not taken reid hand, to be alwaies perſewed befoir the Schireffe, Steward, or Baillie, within quhais boundes and juriſdiction the wrang doer dwellis. And gif he that receiuis the wrang and hurt, be Schireffe, Steward, or Baillie himſelfe, then the wrang doer, to be perſewed befoir the vnſuſpect depute of the ſaidis Schireffe, Baillie or Steward, receiuand the wrang. And for the firſt fault, being convict, be his awin confeſſion or witneſſe, ſall pay to the awner of wood, broome or zaird, the availl of the ſkaith done, togidder with ten pundes. For the ſecond fault, ſall pay to the ſaid awner twentie pundes, with the availl of it that is deſtroyed. And for the third fault, ſall pay to the ſaid awner, fourtie pundes, and the availl of it that is ſkaithed: And fra thine foorth, ſa oft as the offender failzies theirafter, the ſaid third penaltie to be payed to the awner of the Wood, broome or zairdes. Bot in caſe the committer of the wrang be vnreſponſall, he ſall for the firſt fault be put in the ſtokkes, priſon, or irones aucht dayes, on bread and water: And for the ſecond fault, fifteene dayes; and for the third fault, ane moneth to ly in the ſtokkes, as ſaid is, and to be ſcourged at the end of the ſaid Moneth: And this but prejudice, to be called at juſtice courts, at our Soverane Lords inſtance, conforme to the former vſe and auld Actes. And that the paines for breaking of Dowcattes, Cunningaires & Parkes, be according to this preſent Act and addition abone written. And in caſe the offendours be not reſponſall in guddes, for the ſaidis paines, for the firſt fault to be puniſched, as is abone written, for the ſecond fault the paine likewiſe abone expreſſed, and for the thrid fault hanging to the death.

85 *Ratification of the Priviledges of Burrowes.*

OVR Soveraine Lord, and three Eſtaites of this preſent Parliament, ratifies and appreuis all and ſindry Priviledges, Liberties, Immunities, Freedomes and Actes of Parliament, maid & granted, be quhatſumever his Majeſties maiſt Nobill Progenitoures, in ony time bygane, in favoures of the Burrowes and Burgeſſes theirof: And decernis and declaris all and ſindrie the ſaidis Acts and conſtitutions, to haue full ſtrength and effect in all times heirafter, and that the ſamin be put to full and dew execution in all pointes,

after the forme and tenour theirof, and to ſtand as ane perpetuall Lawe to the ſaidis Burrowes and Burgeſſes, and their ſucceſſoures in all time cumming. And the Lordes of Councell and Seſſion to giue & direct letteris, at the ſupplication of the Proveſtes, Aldermen, and Baillies of Burrowes, as are aggreabill with the ſaidis Lawes and Actes of Parliament, in all poyntes.

86 *Foir-ſtalling and tranſporting of Herring and quhyte Fiſche.*

FORSAMEIKLE As divers Actes hes bene maid, be our Soveraine Lordis maiſt Nobill Progenitoures in time bygane, Ordaning that the ſlayeris of herring and quhite fiſch, ſuld bring the ſamin to the next adjacent Burrowes and Tounes, quhair the perſones ſlayeris theirof dwellis, to the effect that our Soveraine Lords lieges may be firſt ſerved, & gif abundãce occurred, that they micht be ſalted and tranſported be free Burgeſſes. And that the ſaidis Acts, throw negligẽce & overſichts, hes nocht received execution: Quhairthrow our Soveraine Lord hes bene greatlie defrauded in his Cuſtomes, and his Hienes Lieges wanted the fruit of the Sea, appointed be God for their nuriſchment, and the Burgeſſes and Free-men of Burrowes diſ-appointed of their trafficque and commoditie. THEREFOIR, Our Soueraine Lord, and three Eſtaites of Parliament, ratifies and apprevis all the ſaidis Actes and Conſtitutions, maid anent the ſaidis Herring and quhyte fiſche, and vſing theirof: Speciallie the Actes made in the times of vmquhile his Hienes deareſt Grandſchir King *Iames* the Fourt, of gude memory, & be his Majeſtie, the time of the Regiment of his richt treſt Couſing *Iames* Erle of *Mortoun*, Lord of *Dalkeith*, Regent to his Hienes, his Realme and Lieges for the time. And ordanis all and ſindrie the ſaidis Acts to be obſerved and keiped in all poyntes, after the forme and tenour theirof, and the contraveneris of the ſamin to be puniſched according thereto. And that all Schireffs, Stewartes, Baillies, Lordes of Regalities, Proveſtes, Aldermen, and Baillies of Burrowes, and Iudges ordinar quhatſumever, put the ſaidis Actes to execution, vpon the contraveneris theirof. And to that effect grantis and giviſ to them power and commiſſion of Iuſticiarie, every ane within the boundes of their awin liberties and juriſdictiones, and to vptake the eſcheittes of the contraveneris being convict, the twa part to the Kingis Majeſties vſe, and to make compt theirof zeirlie in his Hienes Checker, and the thrid part of the ſame to the ſaidis Iudges executoures, for their travelles and laboures.

87 *For execution of the Act of Parliament, maid anent bearing, wearing, and ſchuitting of Culveringes and Dagges.*

FORSAMEIKIL, As be Act of Parliament, maid in the firſt zeir of our Soueraine Lordis Reigne, IT WAS ſtatute and ordaned, that na maner

maner perſon nor perſons, of quhatſumever eſtait, degree or condition, ſchuit with Culveringes, Dagges, Piſtolettes, or ony vther gunnes or ingines of fire-wark, in ony part of this realme, nouther to Burgh nor to land, nor beare, weare, nor vſe, ony Culveringes, Dagges, Piſtolettes, or ony vther ſik ingine of fire-warke, vpon their perſones, or in their companie with them, priuatlie or openlie, out-with houſing, without licence of our Soveraine Lord, vnder the paine of cutting of their richt hand, and farther paines ſpecified in the ſaid Act of Parliament, as the ſamin at mair length proportis. Quhilk hes not bene put to dew execution in time by-gane, be reaſſon of the troubles intervening: And there throw, mony hes taken libertie to beare, weare, and vſe Culverings, Dagges, Piſtolettes, and vthers ingines of fire-wark, within Burrowes, and vther partes of this Realme, quhair throw, divers his hienes lieges hes bene ſchamefullie and cruellie murthered, ſlaine and hurt, in redding, and vtherwayes, quhilkes war able aneuch to haue maid defence ſufficientlie for themſelues, at all times of perſute, and ſumpart of the occaſion, quhy the ſaid Acte hes not tane execution, was be reaſon of the paine of death, or demembring, quhilk the ordinar Iudges was laith to execute.

THERFOIR Our Soveraine Lord, and three Eſtaites foirſaidis, Ordanis the ſaid Act to be newlie publiſhed, and that na maner of perſon nor perſons beare, weare, vſe nor ſchuit Culverings, Dagges, or Piſtolettes, within Burrowes or without the ſame, in time cumming, vtherwiſe nor the ſaid Act and exceptions thereof proportis, vnder the paine of ten pundes, money of this Realme, & the Gunnne & armour they beare, to be payed be ilk perſon contravenand, and doand in the contrair, without prejudice of the vther paines, gif the Kings Majeſtie will haue the ſame execute.

And for execution theirof, makis & conſtitutis the Proveſtes, Alder-men and Baillies within Burgh, his Majeſties Iuſtices in that pairt, everie an within their freedomes and juriſdictions, with power to them to ſearch, take and apprehend the offenders and contraveners, and put them to ane Aſſiſe, and being convict, to hald them in waird, quhill the paine foirſaid be payed, and to take ſicker ſovertie of the perſones convict, to for-beare, in time cūming, vnder the double of the ſaid paine. And the paines quhilkis beis vplifted, to be employed, to the ſupport of the pure. And this Act to ſerue for ſufficient commiſſion to the ſaidis Proveſtes, Alder-men, and Baillies of Burrowes, to the effect foirſaid.

88 For puniſchment of Regraters and Fore-ſtallers.

ITEM, Our Soveraine Lord, and three Eſtaites of Parliament, hes ratified and approved, and be this Act, ratifies and approuis, all Actes and conſtitutions, maid be his hienes maiſt Noble Progenitours, in time by-gane, ſpeciallie the Actes maid be vmquhile his hienes deareſt Gudſchir, King *Iames* the fifth, of worthie memorie: Anent foir-ſtallers and regraters of victualles, fleſch, pultrie, and vthers vivers, cumand to Mercattes. And makis and conſtitutis, the Proveſts, Alder-men, and Baillies of all his hieneſſe Burrowes, his Majeſties Iuſtices for execution of the ſaidis Actes, within the bounds of their awin freedomes and juriſdictions, and to vp-take the paines conteined

therein, to be applyed after the forme and tenour thereof.

89 Anent the destruction of Cruves and Zaires, slauchter of reid fisch and Smoltes, be wandes or vtherwise.

ITEM, Our Soveraine Lord, and three Estaites of Parliament, considering the hurt, that hes cummin to the commoun-weill of this Realme, and lieges theirof, be having and keeping of Cruves and zaires, slauchter of reid fische, in forbidden time, and Smoltes: And that divers actes and constitutions hes beene maid, be his Hienes maist Noble progenitours, in time bygane, toward the destruction and away taking of the saidis cruves and zaires, and eschewing of slaying of reid fische and Smoltes. Quhilkes hes not received dew execution in time by-gane, bot hes bene neglected and overseene.

THEREFORE Ordainis the saidis actes to be extended, and haue effect and execution in time cumming, against the transgressours thereof, after the forme and tenour of the same: As alswa against the slayers of the saidis reid fisch, in forbidden time, be blesis, casting of wandes or vtherwise: or that destroyes the Smoltes and frye of Salmound in Mil-dammes, or be Polkes, Creilles, Trammel-nets, & Herrie-waters: And that the Landes-lord, and awners of the saidis Cruves and zaires, betuixt & the first day of March, nixt-tocum, put doun, and hald doun the saidis cruves and zaires, conforme to the saidis Actes, and vnder the paines conteined therein: And gif they failzie therein, the said day being by-past, ordanis and commandis his Hienes Thesaurer, to persew and vp-tak the saidis paines: And als ordanis the Schireffes, Stewardes, and Baillies in the Schires, and Lordes of Regalities, quhair the saidis cruves and zaires ar, and the Provestes and Baillies of the nixt Burrowes conjunctlie and severallie, to pas with convocation of his Majesties lieges, to cast doun and destroy the saidis cruves and zaires, and hald them doun, as they willanswer to our Soveraine Lord, vpon their obedience. And gif neede be, that letters be direct against them, to that effect, within ten dayis, vnder the paine of Rebellion, and gif they failzie, to put them to the horne. And this act to serue for sufficient commission to the saidis Schireffes, Stewardes, Baillies, Lordes of Regalities, Provestes, Aldermen, and Baillies of Burrowes, to the effect foirsaid: And that they na waies salbe called nor accused theirfoir nor incur ony skaith or danger there throw in time cumming: And commanding all our Soveraine Lordis lieges, to rise, concur and assist to the saidis Schireffes, Stewardes, Baillies, and their deputes, Provestes, Alder-men, and Baillies of Burrowes, and their Officiars, in putting the said Act to execution in all poynts, after the tenour theirof. And for punischement of the slayers of reid fische, in forbidden time, be blesis, casting of wandes, or vtherwise: or destroyers of the Smoltes, and frye of Salmound in Mil-dammes, or be Polkes, Creilles, Trammel-nettes, and Herrie-waters, that the Schireffes, Stewardes, Baillies, and Lordes of Regalities, within their awin jurisdictions, proceede as ordinar Iustices, and vptak and execute the paines and escheittes, the twa pairt to the Kingis Majesties vse, and the third to themselues, for their travelles. And quhair the offenders

offenders hes na geir worth the paines, to put & hald them in priſon, ſtokkes, or irones, for the ſpace of ane moneth, vpon their awin expenſes, or gif they haue it not, on bread and water.

90 *Anent the tranſporting of Coalles foorth of the Realme.*

ITEM, Our Soveraine Lord, and three Eſtaites of Parliament, ratifies and appreuis the Acte of Parliament, maid in the reigne of the Queene, his Hienes deareſt mother, anent tranſporting of Coalles foorth of the Realme, and ordanis the ſame to be put to execution in all pointes, againſt the contraveneris theirof, after the forme and tenour of the ſamin, with this addition: That the reveiler and apprehender of the contraveners of the ſaid acte, and perſewers of them to be convict thereof, ſall haue the third part of the eſcheittes of the contraveneris, for their travelles.

91 *For puniſchement of them that tynis the pley within Burgh, and propones friuoll exceptiones.*

ITEM, Our Soveraine Lord, and three Eſtaites, vnderſtanding that divers and ſindrie his lieges, namelie within Burgh, ar becum ſa wil-ful, obſtinat and malicious, that they will not be content to pay and ſatiſfie their nichtbours and creditours, of ſik debtes as they aucht juſtlie to them, without calling, and compulſion of the Law, & extremitie thereof. THEREFORE, ſtatutis and ordanis, that the partie againſt quhom decreete beis given within Burgh, ſall pay to the ſupport of the pure, twelfe pennies of everie pund, effeirand to that quhilk beis recovered and obteined, befoir the Iudge, and alſwa the expenſes of the partie obteiner of the decreete, at the modification of the ſaid Iudge. And gif ony partie alledgis, producis, or giuis in befoir the Iudges, within Burgh, ony defence or exceptiõ, quhilk hes bene of befoir proponed, to the delay of his partie, the producer thereof, ſal pay the ſumme and paine of twentie ſchillings, to be imployed to the help of the pure, and that ſa oft as failzie beis made. And this to extend, aſweil to the procuratour, as principall partie in time cumming.

92 *Anent the admiſſion of privie writings, charges and commands be the Lordes of Seſſion.*

ANENT The ſupplication given to our Soveraine Lorde and three Eſtaitis of Parliament, be the Chanceller, Preſident and remanent Senatoures of the Colledge of Iuſtice, makand mention: That quhair be the Inſtitution of the ſaid Colledge, they ar authorized to ſit, and decide vpon al actions Civile, and nane vthers to haue vote with them: And our ſaid Soveraine Lordis deareſt Gudſchir, King IAMES the fifth of worthie memorie, inſtituter of the ſaid Colledge, promitted in the ſaid inſtitution theirof: That hee ſuld not be ony privie writing, charge or command (at the inſtance of ony perſones) deſire them, to do vtherwaies in ony matter that ſuld cum befoir them, bot as Iuſtice required, or to do ony thing that maie break the ſtatutes, maid be their Predeceſſoures, the firſt Senatoures of the ſaidis Colledge, at his Hienes commaund, in doing of juſtice. And that he wald

giue na credite to ony man that wald murmure the ſaidis Lordes, or ony of them, be doing of wrang and vnhoneſtie, bot they ſuld be called befoir him, and gif they were foundin culpabil, to be puniſhed therefoir, after the qualitie of the fault or demerite: And gif they were foundin cleane and innocent, The perſones compleining to be puniſhed with all rigour, and never to haue credite againe with his Hienes, as in the ſaid Inſtitution, ratified be Parliament, at mair length is contained. Nevertheles within thir fewe zeiris bypaſt, our Soveraine Lordis Authoritie and their juriſdiction, is greatly troubled and called in doubt, be reaſſoun of ſindrie privie writings and charges direct againſt them, be our ſaid Soveraine Lord & his priuie Councell, ſumtime to forbeare to proceede in Ciuile cauſes, befoir the intenting thereof, ſumtyme to ſtay the proces, and remit the matter to the Parliament, quhilk ſendle haldis, and theirthrow divers parties are oft times fruſtrate and delayed of Iuſtice, and ſumtimes after the decreetes giuen, the execution theirof ſtopped, as ſindrie of the number of the ſaid Colledge, awayting on the ſaid Lordes of Artickles, can ſpecially declair. Quhilk as it tendis to their diſcrediting, ſwa it bringis contempt to our Soveraine Lordis Authoritie, and caſtis the parties, hauand their cauſes in proces (to quhom Iuſtice ſuld alwaies be patent) in great doubt, quhen they finde not ane out-gait, to haue their cauſes decided quhair they are intented. And the Kings Majeſtie, his Parliament, and privie Councell, ſall haue little time and opportunitie, to conſidder his Hienes awin affaires, and the cauſes of the Commoun-weill, gif that at the in-opportune ſute of priuate parties, the civile cauſes ordourly belanging to the judgemenr of the Colledge of Iuſtice, ſall be brocht before them.

THEREFOIR, our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes declared, decerned, and ordained, like as they be the tenour hereof decernis, declaris, and ordainis, the ſaidis Lordis of Councell and Seſſion, to proceede in all the ſaid Ciuile cauſes intented, and and depending befoir them, or to be intented, and to cauſe execute their decreetes, alreddie given, or to be given, notwithſtanding ony private writing, charge or command, at the inſtance of ony perſone or perſones, direct, or to be direct in the contrair.

93 *Anent the admiſſion of the ordinar Lordes of the Seſſion, and Reformation of certaine abuſes therein.*

FOR ſameikle, as it is heavilie murmured be divers Lieges of this Realme; that our Soveraine Lord electis and chuſis zoung men, without gravitie, knawledge and experience, not hauand ſufficient living of their awin, vpon the Seſſion, and that ſum of them be them ſelues, their wiues, or ſervands, takis buddes, bribes, guddes and geir, ſwa that Iuſtice in effect is coſt and ſauld. FOR remeid quhairof, the Kingis Majeſtie, with adviſe of the three Eſtaites of this preſent Parliament, ſtatutis and ordanis, That nane of the Lordes of Seſſion alreddie received, or to be received, nouther be themſelues, or be their wiues, or ſervands, tak in ony times cūming bud, bribe, guddes or geir, fra quhatſumever perſon or perſones preſently hauand, or that hereafter ſall happen to haue ony actions or cauſes perſewed befoir them, outher fra the perſewer

ſewer or defender, vnder the paine of confiſcation of al their mouabill guddis, that dois in the contrair, the ane halfe thereof to be applied to our Soveraine Lord, and the vther halfe to the reveiler and tryer of the ſaidis Bud-takeris. And farther decernis and ordanis the ſaidis Bud-takeris, to be diſplaced & deprived *ſimpliciter* of their offices, quhilk they beare in the Colledge of Iuſtice, and to be declared infamous, and als to be puniſhed in their perſones, at the Kingis Majeſties will. And ſiklike our ſaid Soveraine Lord, with adviſe foirſaid, hes declaired and declaris, that in all times cumming, quhen any ordinar place vakis in the Seſſion, that our ſaid Soveraine Lord, ſal preſent and nominate theirto ane man that fearis GOD, of gude literature, practick, judgement, and vnderſtanding of the Lawes, of gude fame, hauand ſufficient living of his awin, and quha can make gude expedition and diſpatch of matters, tuiching the Lieges of this Realme, Quha ſall be firſt ſufficientlie tryed and examinate, be ane number of the ſaidis ordinar Lordes. And in caſe that perſone preſented be the Kingis Majeſtie, be not founde ſa qualified be them, as is befoir deſcrived, our Soveraine Lord, with adviſe of his ſaidis three Eſtaites, declairis, that it ſall be leiſum to the ſaidis Lordes to refuſe the perſone preſented to them, And the Kingis Majeſtie to preſent ane vther, ſa oft as he pleaſis, quhill the perſon preſented be founden qualified, for vſing of the ſaid place. And ſiklike our ſaid Soveraine Lord, with aduiſe foirſaid, hes declaired and declairis, that the Preſident of the ſaid Colledge of Iuſtice, ſall be choſen be the haill Senatoures theirof, of the conditions and qualities abone written, quhidder he be of the Spirituall or Temporall eſtaite. For chuſing and electing of quhome, the Kingis Hienes and Eſtaites foirſaidis, diſpenſis with that part of the firſt inſtitution of the Colledge of Iuſtice, Beirand that the Preſident ſuld be of the Spirituall eſtaite, and ane Prelate conſtitute in dignitie. And alſwa declairis, that in abſence of the Chanceller and Preſident now being, and that ſall happin to be for the time, IT ſall be leſum to the ſaidis Lordes, to elect and chuſe ony ane of their number, quhome they think qualified and woorthieſt, as ſaid is, Quha ſall be called Vice-Preſident, for vſing of the ſaid office, calling of matters, repeating of alledgeances proponed be the Advocates at the Barre, collecting of the Lordes votes, and pronunciation of their decreetes and interloquutoures, ay and quhil the returning of the ſaidis Chanceller or Preſident.

94 *The tenour of Letters of horning and indorſations may not be proven be Witneſſe.*

FORSAMEIKLE, As anent the complaint given in be Schir DAVID HVME of *Fiſchewik* Knight, Beirand that there being ane Action and cauſe perſewed be him againſt Schir RICHARD MAITLAND of *Lethingtoun* Knicht, ane of the Lordes of Seſſion, for tranſferring of ane decreete of Non-entres, obteined be vmquhile WILLIAM MAITLAND of *Lethingtoun* zounger his Sonne, in the ſaide

Schir

Schir *David* as donatour theirto, be diſpoſitiō maid be our Soueraine Lord with aduiſe of his vmquhile deareſt Gudſchir *Matthew* Erle of *Lennox* Lord *Dernely*, Regent for the time. In the quhilk cauſe, for delay of time, it was alledged bee the ſaid Schir *Richard*, that there aucht na tranſlation to paſſe, becauſe the ſaid vmquhile *William* was denunced & put to the horne in our Soueraine Lordis deareſt Mothers time, for certaine cauſes, and that he had obteined ane further gift, granted be her, of the ſaid decreit, And for probation theirof ſtayed the ſaid Schir *Davids* proces, be the ſpace of twa zeiris. And ſeand that be na delay of time, he culd cum be the ſaid horning (quhilk never was) he, be his ſupplicatioun to the ſaidis Lordis of Seſſioun, deſired the ſamin to be prouen be witneſſes, hauand nouther Law nor practick in ſik caſes. And it being ane noveltie, and tending to the heavie wrack, aſweill of the Nobilitie, as remanent ſubjectes of this Realme, in caſe the ſamin were receiued as ane practik, The ſaid Schir *David* meened him to our Soveraine Lord, and Lordes of ſecreet Councell: And then the Lordes of Seſſion wer diſcharged of proceeding theirin, and the ſamin ordaned to be diſcuſſed befoir our ſaid Soveraine Lord and Eſtaites of Parliament, likeas the ſamin was continewed in the laſt Parliament halden at *Striviling*, vnto this preſent Parliament. Deſiring theirfoir the Kingis Majeſtie and Eſtaites, to receiue the ſaid matter, and diſcuſſing theirof befoir them, and put the ſamin to vote, for deciſion theirof, that it may remaine as ane Law to the hail ſubjectes in time cumming. Quhilk ſupplication being ſeene and conſiddered: OVR Soveraine Lord, with adviſe of the three Eſtaites of this preſent Parliament, hes declaired and declairis, that in all time cumming, na tenour of letteris of horning, executions and indorſations theirof, not extant and produced judiciallie, ſal be admitted to be proven be witneſſes, in quhatſum ever action or cauſe, perſewed or to be perſewed be the Lieges of this Realme, befoir quhatſumever Iudge or Iudges within the ſamin. And that but prejudice of the foreſaid action, depēdand betuixt the ſaidis parties, befoir the Lordes of Councell, and deciſion theirof, in ſtait as it was left befoir the diſcharging of them of farther proceeding there-intil. Providing that the witneſſes to be vſed and produced againſt the ſaid *David Hume*, in the ſaide cauſe, be examinat in preſence of the haill Lordes of Seſſion.

96 Anent Scotteſ-men *vſing the priviledge of this Nation in the Law-cuntries, vnder the King of* Spaynis *dominion.*

FORSAMEIKIL, as there is divers and ſindrie *Scotteſ-men* married and vnmarried, within the partes of the *Lawe-cuntries*, vnder the King of *Spaynis* dominion, keipand their reſidence, quhair this Nation keipis their Stapill, and having their life, induſtrie, & trade of the Kingis Majeſties ſubjectes, as factoures to them, vſing and haunting the priviledges granted to the ſaid Nation, within the ſaidis partes of the *Lawe-cuntries*, ſa farre as the ſamin may make for them, their commoditie & profite, And at vthers times renunceing the ſamin, and reclaming theirfra, alledging to their Porterie, reſidence in any foreine Cuntrie, and forſaking the obedience to the Kingis Majeſtie

Majeſtie his Lawes and Officiar. THEREFOIR it is ſtatute and ordained, that ane incorporation be maid of the ſaid Nation & priviledges theirof, (ſpeciallie ordaining that quhatſumever perſone reſident, or remaining within the partes foirſaidis, ſpeciallie quhair the ſaid Nation keipis Stapill) Intending to vſe factourie, or ony vther trade with the ſaid Nation, and willing to enjoy the fruite and commoditie of the ſaidis priviledges, in hail or in part, Sall giue this aith of obedience to the Kingis Majeſtie and his Lawes, befoir his Hienes Conſervatour reſident in the ſaidis *Lawe-cuntries*, and ſall pay for his entres to the Kingis Majeſties vſe ten pundes *Flemiſh*. As alſwa ſall be ready to vnderlie all ſik charges and commandements, as ſal happen to be direct and cum fra his Hienes, in the ſame forme and maner, as they were dwelland in *Scotland*. And quha refuſis to giue the ſaid aith, and paye the ſaid entres, That they ſall be called be the ſaid Conſervatour, and vpon their refuſe or delay, depriued to haue or enjoy thereafter ony benefite of his Majeſties ſubjectes. And that nane of his Hienes ſubjectes haue trade, trafficque, or vſe of factourie with ony the perſones ſa deprived thereafter, vnder the ſame paine.

97 For avoyding of the great number of vnfree-men ſaillandin the Law-cuntries.

FOR avoyding of the great multitude of Sailleris to the partes of *Flanders*, to the diſhonour of the Cuntrie, their awin hurt and tinſell, & great hinderance to the Burrowes, and for reſtraining of vnfree-men, that hauntis and frequents the ſaid partes in Merchandiſe in time cumming: ITIS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in this preſent Parliament, That na vnfre-men haunt or vſe the trafficque of Merchandice in time cumming, ſpeciallie in the *Law-cuntries* vnder the King of *Spaynis* dominion, vnder the paine of confiſcation of all their moueabill gudes doand in the contrair. And that the Conſervatour of the Priviledges of this Nation, ſearch and ſeeke the contraveneris, eſcheit their ſaidis gudes, the twa pairt to our Soveraine Lordis vſe, and the third pairt to his awin vſe for his laboures, and that he make compt, reckoning, and payment of his intromiſſion, to our Soveraine Lord and his Theſaurer anis every zeir.

98 For inſtruction of the zouth in Muſick.

FOR Inſtruction of the zouth in the arte of Muſick and ſinging, quhilk is like to fall in great decay, without timous remeid be provided. OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, requeiſts the Proveſtes, Baillies, Councel and communities of the maiſt ſpeciall Burrowes of this Realme: and the Patrones and Proveſtes of the Colledges, quhair ſang Schooles ar founded, To erect & ſet vp ane ſang School, with ane Maiſter ſufficient and abill for inſtruction of the zouth, in the ſaide ſcience of Muſick: As they will anſwer to his Hienes, vpon the perrel of their Fundationes, And in performing of this his Hienes requeiſt, will do vnto his Majeſtie acceptabill and gude pleaſure.

FINIS.

Ane Tabill of the particular Actes and vthers, maid be King IAMES the Sext, in this sext Parliament 20. October. 1579. and not imprinted.

1 *Commiſsion anent the Iuriſdiction of the Kirk, the laſt pairt theirof.*
2 *Ratification of the Kingis revocation anent Fees and Penſiones.*
3 *Ane Act anent the Canzie.*
4 *Ane Act in favoures of the Fewares and takkeſ-men of the Lands and Teindes of ſoir-falted Prelacies.*
5 *Anent the Kingis Councell.*
6 *Approbation of the proceedinges in the Kingis name.*
7 *Act in favour of faithfull Subiectes.*
8 *Revocation of the infeſtment of the Erledome of* Lennox *maid to the Lorde* Charles.
9 *Confirmation of the ſaid Erledome to* Robert *Erle of* Marche.
10 *Ratification of the diſcharge granted to the Erle of* Mar.
11 *Act anent the tennents of* Dumblane.
12 *Confirmation of the infeſtment of the hauen of* Kilrynnie *in* Fife, *to* Iohne Betoun *of* Balfour.
13 *Act in favour of the Hoſpitall in* Edinburgh.
14 *Confirmation of the infeſtment of the Towne of* Faithlie.
15 *Act betuixt* Patrik Fortoun *and* Iames Hunter.
16 *Anent the making of* Aqua vitæ.
17 *Commiſsion to decide the antiquitie and prioritie amangis the Burrowes.*
18 *Act in favours of the Lord* Boyd.
19 *Ratification of the reformation of the Vniverſitie of* Sanct-Andrewes.

THE

THE SEVENTH PARLIAMENT HALDEN AND BEGVN AT EDINBVRGH THE XXIIII. DAIE OF OCTOBER, THE ZEIR OF GOD, 1581. ZEIRES

Be IAMES the Sext, be the grace of God, King of SCOTTES, *and three Eſtaites of this Realme.*

99 *The Ratification of the Libertie of the trew Kirk of GOD and Religion, with confirmation of the Lawes and Actes maid to that effect of beſoir.*

OVR SOVERAINE LORD, with adviſe of his three Eſtaites and hail bodie of this preſent Parliament, hes ratified and appreved, and be the tenour heirof ratifies and appreuis, all and quhatſumever Actes of Parliament, Statutes and conſtitutiones paſt and maid of beſoir, aggrieable to God his word, for maintenance of the libertie of the trewe Kirk of GOD and Religion, nowe preſently profeſſed within this Realme, and puritie theirof. And ſpeciallie the Act maid in the Reigne of the Queene his deareſt Mother, in the Parliament halden at *Edinburgh* the 19. day of Aprill, the zeir of GOD 1567. Anent the caſſing, annulling, and abrogating of all Lawes, Acts and conſtitutiones Cannon, Ciuile, and Municipall, with vther conſtitutions contrair the Religion now profeſſed within this Realm. And in likewiſe the Actes after following, maid in divers Parliamentes, halden ſen his Hienes Coronation. Namelie the Acts anent the aboliſching of the *Paipe* and his vſurped authoritie, Anent the annulling of the Actes of Parliament, maid againſt GOD his word, and maintenance of Idolatrie in ony times bypaſt. The Confeſſion of the Faith profeſſed be the Proteſtantes of *Scotland*. Anent the Meſſe aboliſched, and puniſching of all that hearis or ſayis the ſame. Anent the trew and haly Kirk, and of them that are declared not to be of the ſame. Anent the admiſſion of them that ſall be preſented to Benefices, hauand cure of Miniſterie. Anent the Kingis Aith to be given at his Coronation. Anent them that ſuld beare publick Office hereafter. Anent thriddis of Benefices granted in the Moneth of December, the zeir of God, 1561. zeires, for ſuſteining of the Miniſterie, & vtheris affaires of the Prince.

Anent them that ſal be teachers of the zouth in Schooles. Anent the juriſdiction of the Kirk. Anent the diſpoſition of Proveſtries, Prebendries, and Chaplaneries to Burſares, to be founded in Colledges. Anent the filthie vice of Fornication, and puniſchment of the ſame. Anent them that committis Inceſt. Anent lawfull Mariage of the awin blude in degries, not forbidden be God his word. Ratification and approbation of the Actes and ſtatutes maid of befoir, anent the friedome and libertie of the trew Kirk of GOD. Anent the trew and halie kirk. That the Adverſaries of Chriſts Evangell ſall not enioy the Patrimonie of the Kirk. Anent the diſobedientes, quhilk ſalbe received to our Soueraine Lordis mercie and pardon. The explanation of the Act maid anent Manſes and Glebes. Anent purcheſſing of the *Paips* Bulles, or giftes of the Queene, our Soueraine Lordis Mother. Approbation of the Act maid anent the diſpoſition of Benefices to the Miniſters of Chriſtis Evangell. Anent the reparation of Paroche Kirkis. The ratification of the libertie of the trew Kirk of God and Religion. That the Glebes of the Miniſters and Readers ſalbe frie of teyndes. Anent the trew and halie Kirk, and of them that are declaired not to be of the ſame. Anent the juriſdiction of the Kirk, diſchargeing of Mercattes, and labouring on the Sabboth-dayes, and playing or drinking in time of Sermone. Anent the zouth, and vtheris bezond Sey ſuſpect to haue declined from the trewe Religion. That houſhalderis haue Bibles & Pſalme buikes. For puniſchment of ſtrang and idle beggeris, and releife of the pure and impotent. And declaris the ſaidis Actes, and euerie ane of them and al vtheris Actes of Parliament, maid in fauour of the trew Religion, ſen the ſaid reformation, to haue effect in all pointes, efter the forme and tenour theirof.

100 *Prouiſion of Miniſters, and certaine ſtipendes for them at all Paroche Kirkes.*

ITEM Becauſe for laik of Preaching and teaching in ſindrie parts of the Realme, monie people ar ſuſpected to be fallen in great ignorance & danger of godles Atheiſme. It being found maiſt difficill, that in the charge of pluralitie of Kirkes ony ane Miniſter may inſtruct monie flockes. Theirfoir it is thocht expedient, ſtatute and ordaned be our Soveraine Lord, and his three Eſtaites of this preſent Parliament: That every Paroch Kirk, and ſamekill boundes as ſalbe found to be a ſufficient and competent Parochin therfoir, ſall have their awin Paſtour, with a ſufficient and reaſonabill ſtipend: according to the ſtait and habilitie of the place. And that all Kirkis annexed to Prelacies be provided of ſufficient Miniſters with competent liuinges, alſweil laitlie diſponed ſen his Hienes acceptation of the governement in his awin perſone, as that ſall vaik and be provided hereafter, quhill his Hienes perfite age. And befoir the title of ony Prelacie be conferred to ony perſon hereafter, that the ſaidis liuings and ſtipends, be reſerued in the proviſion, and alwaies compted in the thrid, to the effect that Miniſters may bee provided theirto *advitam*. And in-caiſe ony gift or proviſion of Prelacie ſall paſſe vtherwiſe, declairis the ſame to be nul, & of nane avail, force, nor effect.

Againſt

101 Aganis Dilapidationes of the Rentes of Benefices, provided to Miniſters, in title for their life-times.

ITEM, Becauſe ſindry Miniſters prouided to benefices for their life-times without regaird of conſcience, or how their Succeſſours ſould live after them, for ſum preſent profite: Settis their ſaidis Benefices and Rentes theirof in Fewes, Takkes, Rentalls; or diſponis furth of the ſame, to the vtter overthraw of the Kirk and great prejudice, baith of the Kingis Majeſtie, the common-welth and poſteritie to cum. It is their foir thocht expedient, ſtatute and ordaned be our Soveraine Lord, with adviſe of his three Eſtaittes, and haill Body of this preſent Parliament: That na perſones, being in the function of the Miniſterie, provided to titles of Benefices vnder Prelacies, diſpone penſiones, or mak vther diſpoſitiones of the Rentes of his Benefice, to the prejudice of his Succeſſour, and diminution of the Rentall, quhairat hee findis it at his entrie theirto, vnder the paine of deprivation from the ſaid benefice, quhairintill incaſe he failzie, his ſet and location to be decerned null, and himſelfe to be deprived, alſweil from his function in the Miniſterie, as from the benefice it ſelf, quhilk vpon his default tryed and adjudged, as ſaid is, orderlie, ſalbe declaired to be vaikand, and to be preſented and conferred of new, as gif he wer naturallie dead.

102 That Miniſteris ſalbe preſented be the Kingis Maieſtie, and the laick Patrones to all Benefices of cure, vnder Prelacies.

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of this preſent Parliament, that all Benefices of cure vnder Prelacies, ſall be preſented be our Soveraine Lord, & the laick Patrones, in the fauour of abill & qualified Miniſteris, apt and willing to enter in that function, & to diſcharge the dewtie theirof. And incaſe ony ſall happen to be giuen and diſponed vtherwiſe heirafter: Decernis and declaris the giftes and diſpoſitiones to be null, and of nane auaill, force nor effect,

103 For puniſhment of the Blaſphemy of Goddis Name, and vtheris horribill Aithes.

OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſente Parliament, Ratifies and appreuis the Actes of Parliamentes, halden at Edinburgh the firſt day of Februar, the zeir of God 1551. zeires, Intitulat: The Act againſt them that ſweiris abhominabil Aithes, and ordanis the ſame to haue effect and execution in time cumming, after the forme and tenour thereof, vnder the fourt and laſt paine ſpecified in the ſame. That is to ſay: for the firſt fault, every Prelate of Kirk, Erle, or Lord, foure ſchillings. Ane Barrone or beneficed Man conſtituted in Dignitie Eccleſiaſticall, twelue pennies. Ane Landed-man, Free-halder, Vaſſail, Fewer, Burges & ſmall beneficed man, ſix pennies. Ane Crafteſ-man, Zeaman or ſervand man four pennies. The pure folkes, that hes na geare, to be put in the ſtockes, jogges, or

priſoned for the ſpace of foure houres. And wemen to be weyed and conſiddered, conforme to their bluide and eſtaite of their parties, that they are coupled with. For the ſecond fault, every Prelate, Erle or Lord aucht ſhillings. Every Barone or Beneficed-man in dignitie, twa ſhillings. Every Landed-man, Free-halder, Vaſſall, Fewer, and ſmall beneficed-man, twelue pennies. And every Crafteſ-man, Zeaman or ſervand, aucht pennies. The ſpace of the pure folkes impriſonment to be doubled. And for the thrid fault, the ſaidis ſecund paines to be doubled. And for the fourth and laſt fault, the offenders to be baniſched or put in Waird, for the ſpace of zeir and day, at the Kingis will. And ſiklike all vther Eſtaites after their qualitie, to be puniſched effeirandlie. And the foirſaidis paines to be vptaken & applied, to the vſe of the pure folkes. And for the better execution heirof, that Cenſoures be appointed, in the Mercat places of all Burrowes, and vther publick Faires, with power, to put the ſwearers of ſik abhominable Aithes in Waird, quhill they haue payed the ſaidis paines, and find ſovertie, to abſteine in time cumming. And that be direction and commiſſion of the Schireffes, Stewardes, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, Lordes of Regalities, and vthers ordinar Officiares. And that all Houſe-halders delate to the Magiſtrates, the names of ſik perſones as tranſgreſſis this preſent Act, within their houſes, to the effect, that the ſaidis paines may be exacted of them, vnder the paine to be eſteemed as offendours themſelues, and puniſched accordinglie. And in caſe the ſaidis Magiſtrates be found remiſſe or negligent in execution of this preſent Act, that vpon complaint theirof to be maid to the Kingis Majeſtie, and his privie Councell, they ſall be called and committed to Waird, during his Hienes will, and find ſovertie vnder great paines, at his Hienes ſicht, for exact diligence to be ſchawen in executing of the ſaide Act thereafter.

104 *Againſt paſſing in Pilgrimage to Chapelles, Welles, and Croces, and the ſuperſtitious obſerving of divers vthers Papiſticall Rites.*

FORSAMEIKLE, as pairtlie for the want of Doctrine, and raritie of Miniſteris, and pairtlie throw the perverſe inclination of Mans ingine to ſuperſtition, the dregges of Idolatrie zit remaines in divers pairtes of the Realme, be vſing of Pilgrimages to ſome Chapelles, Welles, Croces, and ſik vther monuments of Idolatrie. As alſo be obſerving of the Feſtuall dayes of the Sanctes, ſumtime named their Patrones, in ſetting furth of bane-fyers, ſinging of Carralles, within and about Kirkes, at certaine ſeaſons of the zeir, and obſerving of ſik vthers ſuperſtitious and Papiſticall Rites, to the diſhonour of GOD, contempt of his trew Religion, and foſtering of great errour amang the people. For remeid quhairof, IT IS ſtatute & ordained be our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, That nane of his Hienes Lieges preſume or tak vpon hand in time cumming, to haunt, frequent, or vſe the ſaidis pilgrimages, or vthers the foir-named ſuperſtitious and Papiſticall rites, vnder the paines following, *videlicet*, Ilk gentil-man or woman landed, or wife of the gentil-mā landed, ane 100. pundes.

The

The vnlanded ane hundreth markes,and the Zeaman fourtie pundis,for the firſt fault.And for the ſecund fault,the offēders to ſuffer the pane of death,as Idolaters. And for the better execution heirof, Commandis,ordanis and giues power to all Schireffes,Stewartes,Baillies,Prouoſtes,Alder-men,and Baillies of Burrowes, Lords of Regalities,their Stewartes and Baillies, and vtheris,quhome it ſal pleaſe our Soueraine Lord to grant ſpecial Commiſſion,to ſearche and ſeeke the perſones, paſſing in Pilgrimage to ony Kirkes, Chapelles, Welles, Croces,or ſik vther monuments of Idolatrie. As alſwa the ſuperſtitious obſerveris of the Feſtuall daies of the Sanctes,ſumtimes named their Patrones,quhair there is na publick Faires and Mercattes,ſetteris out of Bane-fyers, ſingers of Carrales,within and about Kirkes,and of ſik vthers ſuperſtitious and Papiſticall rites. And apprehending them in the actuall deede of the tranſgreſſion of this preſent Act, after ſpeedie judgment of their tranſgreſſion,to put and hald them in priſon and firmance, aye and quhill they redeeme their libertie,be payment of the paines abone written, and find caution to abſteine in time cumming, vnder the paine of dowbling of the ſame paine. And gif the perſones apprehended be not able to redeeme their libertie,be payment of the ſaidis Pecuniall paines,that then they keep the perſones tranſgreſſours, in priſone, irones, or ſtockes, vpon Bread and water,for the ſpace of ane Moneth,after their apprehenſion, cauſand them, quhen they are ſet at libertie,outher find caution,or make Faith, to abſtaine thereafter. And in caſe they happen to paſſe furth of the Schire, quhair they offend vn-apprehended, that the Schireffes and vther ordinar Iudges of the next Schire,Burgh,or Iuriſdictione,apprehend them,and proceede in like maner againſt them. Declairand the ane halfe of the pecuniall paines to perteine to the ſaidis ordinar Iudges, for their paines,and for ſuſtening of the Perſones to be keeped in Waird, irones or ſtockes, and the vther halfe to be in-broucht,to the vſe of the pure of the Parochin.

105 *The Explanation of the Act,tuitching the notour and manifeſt committeris of Adulterie.*

ANENT the Supplication, maid to the Kingis Majeſtie,and his three Eſtaites of this preſent Parliament,craving ane explanation of the Act of Parliament, maid in the Reigne of the Queene, his Hienes deareſt Mother,Anent Adulterie. That is: Quhat ſall be eſteemed and judged in Law to be notour & manifeſt Adulterie,woorthie of the paine of death,mentionate in the ſaid Act. IT IS theirfoir declared be his Hienes, with adviſe of his three Eſtaites in this preſent Parliament: That it ſall be judged in Law notour and manifeſt Adulterie, woorthie of the ſaid paine of death, quhair there is bairnis,ane or ma,procreat betuixt the perſons Adulterers,or quhen they keepe company and bed togidder notoriouſlie knawen,or quhen they are ſuſpect of Adulterie,and thereby giues ſclander to the Kirk, quhairvpon, being dewlie admoniſched, to abſteine and ſatisfie the Kirk be Repentance,or purgation,and zit contempnandlie refuſand, are excommunicate for their obſtinacie. All thir three degrees of Adulterers, and every ane of

them, being lauchfully called and convict befoir the Iuſtice and his Deputes, ſall incurre and ſuffer the ſaid paine of death.

106 *Againſt Fugitiues and vtheris Papiſts practizing againſt the trewe Religion.*

FORSAMEIKIL as certaine fugitiues and vtheris Perſones, OVR SOVERAINE LORDIS borne ſubjectes, now remaining furth of this Realme, Profeſſing themſelues the ſubjectes and ſervandes of vther Princes, vpon diſdaine and malice borne be them, againſt the trewe & Chriſtian Religion, nowe publicklie preached, and be Lawe eſtabliſched within this Realme; Ceaſſis not, ſa far as in them lyis, to pervert the zouth of this Nation, Paſſing furth of this Realme to the Schooles, and to viſit vther cuntries. And als makis, ſettis furth, ſends hame, and cauſis to be diſperſed in this Realme divers famous Buikes, and Libelles, in the praiſe and defence of the *Paipe* and his vſurped Authoritie, damned be God his Word, and our Soveraine Lordis Lawes. As alſwa ſindrie of the ſame Perſones preſumis oft-times to repair in this Realm themſelues, vnder colour to ſeeke the recoverie of their health, be the air of ther natiue Cuntrie: Intending to ſeduce the ſimple and ignorant people, and vthers ony wayes affected to their ſuperſtitious and erroneous doctrine. For remeid quhairof, IT IS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites: That the Actes maid for puniſchment of his Hienes ſubjectes, adverſaries to the trew and Chriſtian Religion, and perſons ſuſpected, to haue declined therefra, be put to dew execution in all pointes with this addition, That it ſall not be leiſum to ony of the ſaidis perſones his Hienes ſubjectes, or ſtrangers (not being Ambaſſadours, Meſſengers, or Merchantes) adverſaries of the trewe Chriſtian Religion, or that hes declined therefra, to returne in this Realme, or remaine therein, except within the ſpace of fourtie daies, after the end of this preſent Parliament, they ſatisfie and obey his Hienes Lawes, anent the giuing of their Confeſſion, and aſſenting and ſubſcribing to the Artickles of the ſaid trew and Chriſtian Religion. And in the meane time that nane of them repair in the Kingis Majeſties preſence, Palice, or dwelling place: or remaine longer nor three houres in ony pairt neere the ſame, within the ſpace of ſeven myles. And quha ever failzies herein, (their names being notified be the Biſchoppes, Super-intendents, or Miniſters of the Kingis houſe, to the ordinar Iudges, quhair ever the ſaidis perſones repairis, or remainis) They ſall be taken, and halden in priſone be his Maiſter of Houſ-hald, or vther Iudges ordinar, ay and quhill they haue found ſufficient ſovertie, ilke perſon vnder the paine of fiue hundreth markes: That they ſal outher recant their erroures, and obey his Hienes Lawes, be profeſſing of the ſaid Chriſtian Religion, or depairt furth of this Realme, within the ſpace of fiftene daies theirafter. And that alſwa in the meane ſeaſon, They ſall nouther teach, nor ſaw the ſaid *Paipis* erroneous doctrine, nor na vther erroneous doctrine, repugnant to the ſaid trew and Chriſtian Religion, now publicklie preached, and be Lawe eſtabliſched in this Realme, to nane of the ſubjectes theirof,

theirof, outher be wordes or writte, vnder the ſaid paine. And that all his Hienes ſubjectes, that hes, or ſall make, ſet furth, bring hame, ſell, or diſperſe, within this Realme, ony of the ſaidis famous Buikes & Libelles, in the praiſe and defence of the ſaid *Paipe*, and his vſurped authoritie, or vther erroneous doctrine, to the contempt of our Soveraine Lord and trew Religion, preſentlie profeſſed within this Realme, being called and dewlie convict theirof, according to the Lawes of the ſame, ſal incurre the paine of baniſchment, and confiſcation of all their gudes moueable to OVR SOVERAINE LORDIS vſe. And becauſe ſindrie perſones diſobeyeris of his Hienes Authoritie, for not giving the Confeſſion of their Faith, conforme to the Acts of Parliaments, hes theirthrow tint their Benefices, *ipſo facto*: The ſame being lauchfullie and dewlie provided be OVR SOVERAINE LORDIS preſentation and admiſſion of the Kirk, to perſones ſerving in the Miniſterie, and the fruits theirof aſſigned to them, for their zeirly livings and ſtipendes. Nevertheles, in ſeeking letters to be anſwered, and obeyed of the ſaidis fruites, they are oft-times hindered throw licences purchaſed of OVR SOVERAINE LORD to the ſaidis perſones, departing & remaining furth of the Realme for diverſ zeires, without skaith or danger to be incurred be them in their perſones, livings, gudes and geare. In reſpect of the quhilkis licences, the Iudges, befoir quhome they are produced, ſtayis and ceaſſis further proceeding in the ſaidis cauſes, to the great hurt and prejudice of the Act of his Hienes Parliament, Intitulat: That the adverſaries of Chriſts Religion ſall not enjoy the Patrimonie of the Kirk. For remeid quhairof, IT IS ſtatute and ordained be OVR SOVERAINE LORD, and three Eſtaites of this preſent Parliament, That all ſik licences purchaſed of his Hienes, ſall haue na effect, ſtrength nor force, annulland and diſchairgeand the ſame be thir preſentes, in ſa farre as they may ony wayes tend to the prejudice and hinder of the execution of the ſaidis Actes of Parliament, or to the titles and proviſiones of Benefices, and vthers Eccleſiaſticall rentes, maid and granted be vertewe theirof, Commanding the ſaidis Iudges, befoir quhome the ſaidis Actiones are, or ſall happen to be intended or dependis, to proceede and do Iuſtice therein with expedition, notwithſtanding the ſaidis licences or abſence of the Perſones, in quhais fauour the ſame are, or ſall happen to be granted, quhilkis licences ſal be eſtemed but as privie writinges, without ane ſufficient teſtimoniall, inſtantlie ſchawen, that the perſone, to quhome the Licence is granted, profeſſis the trew Religion, and hes already ſatisfied his Majeſties Lawes, maid to that effect.

Anent the Cuinzie.

THE Kingis Majeſtie, and his three Eſtaites, conſiddering how hurtfull and prejudiciall the lait Silver Cuinzie (hauing courſe vpon ſa heich price) is, and hes bene to the Common-weill of this Realme, the ſame being occaſion of great dearth, and of many vther inconvenientes. And now willing to haue the ſame reduced to ane lawer price, without loſſe of his hienes ſubjects, or zit to the Parteneris and Takkeſ-men vnderwritten, quhilk they

find can not be done, gif the Contract, maid anent the ſame Cuinzie, be ſuffered to haue further effect and execution. THEREFOIR his Majeſtie, with adviſe of the ſaidis Eſtaites, and of the ſaidis Takkeſ-men and Parteners, They are to ſay: *Alexander Clerk* of *Balbirny* Proveſt of *Edinburgh*, *Williame Naper* of *Wrichteſ-houſis*, *Nichol Vdward*, *Henrie Nisbet*, *Richard Abircrummy* *Robert Abircrummy*, and *Thomas Acheſon*, vpon conſideration had be the order following, that they ſall be na loiſiers: Decernis and declaris be Act of this preſent Parliament, the ſaid contract to be null and of nane availl, force, nor effect in all time cumming: And ordanis the ſaidis Takkeſ-men, Parteneris, Cuinzeours, and vthers Officiars, to deſiſt and ceaſe from all ſtriking and cuinzeing of ony further of the ſaid Cuinzie, in ony time hereafter. And declaris be the ſaid Act, that the ſaidis Takkeſ-men and Parteneris, and all vthers at their command, hes done nathing in the ſaid mater of the lait Cuinzie, preceeding the dait heirof, Bot according to the will and minde of his Majeſtie, and his ſaidis Eſtaites, quhilk they ratifie and appreeue, in ſa farre as they haue done, conforme to the ſaid contract, ay ſtandand in effect quhill now, exonerand them theirof for now and ever: They being alwaies comptable and anſwerable, for ony thing done be them in the ſaid Cuinzie, contrarious to the effect and meaning of the ſame contract, conforme to the tenour theirof. Attoure, his Majeſtie be the ſame Act, with adviſe of the ſaidis Eſtaites, revokis, caſſis and annullis for ever, all aſſignations, for payment of ſummes of money, maid be his Hienes, vpon the ſaidis Takkeſ-men and Parteneris, to ony perſone or perſones. And diſchargis the Lordes of ſecreete Councell & Seſſion, to direct ony letters, or chairges vpon, or againſt them, or ony ane of them. And gif they do, declaris the ſame be thir preſents to be of nane availl, force nor effect, Notwithſtanding ony Decreetes given, or to be given, quhilk his Majeſtie with adviſe of the ſaidis Eſtaites diſchargis *ſimpliciter*. Ordaning thē to haue na further force, effect, nor execution in time cumming. And further, his Majeſtie, with adviſe of the ſaidis Eſtaites, and conſent alſwa of the ſaidis Takkeſ-men and Parteneris, ſtatutis and ordanis, That the ſaid lait Cuinzie, extending to twa hundreth elleven ſtane and ten pund weicht of Silver, ſall be reduced and brocht in againe be them, to be cuinzeit of new, be his Hienes Maiſter Cuinzeour, betuixt and the ellevint day of March nixt to cum, in ten ſhilling peeces of elleven pennie fine, conteinand four in the vnce in this forme, That is to ſay; hauand on the ane ſide the Portrature of his Majeſties bodie, armed with ane Crown vpon his head, and ane ſword in his hand, with this circumſcription: IACOBVS VI. DEI GRATIA, REX SCOTORVM. And on the vther ſide, his hienes Armes in ane Scheild, with ane Crown abone the ſame Scheild, with the Dait of the Zeir, vpon ane of the ſides, with this circumſcription: HONOR REGIS IVDICIVM DILIGIT. For in-bringing and reduction of quhilk money, the ſaidis Takkeſ-men and Parteners hes preſentlie nominated and appointed *William Naper*, and *Thomas Acheſon*, quhilkis ſall remaine at *Edinburgh*, to receiue all the ſaid Cuinzie, be the number & quantitie foirſaid, fra his Hienes ſubjects, & deliver them vther money theirfoir, vpon the ſame prices, that they were given out for, betwixt and the ſaid elleuinth

uint day of Marche, vnto the quhilk day they ſall haue courſe allanerlie. And being reſerved, ſall bring and deliuer them to his Hienes Maiſter Cuinzeour, quha ſall cuinzie them of new, in forme and maner abone mentionat, and thereafter deliuer baith ſtocke and profite againe, in full recompenſe of their expenſes, charges and trauelles els ſuſtened be the ſaid Cunzie, to ſik as ſalbe appointed in their Names to receive the ſame. And the Maiſter Cuinzeour preſent and to cum, ſall find the ſaidis takkeſ-men and parteneris ſufficient Caution and ſovertie, acted in the buikes of Councell, for randering vnto them the ſtock and profite of ſik Summes and Weicht, as they ſall deliuer vnto him to the effect foirſaid, vnto the quhilk time the ſaidis takkeſ-men and parteneris ſall not be aſtricted to deliver ony ſilver to the ſaide Maiſter Cuinzeour, deduce and alwayis the fees and dewties of the Warkemen and vtheris ordinar Officiaris of the Cuinzie-hous vſed and wount, for their paines and laboures. And becauſe the ſaid Reduction can not weill tak effect, without ſum ſtock to mak the exchange. The ſaidis takkeſ-men and parteneris theirfoir ſall haue libertie, lyke as his Majeſtie, with advice of the ſaidis Eſtaites, be thir preſentis grantis them licence and libertie, to ſtrike, and cauſe to be ſtricken and cuinzeit twentie ſtane wecht of Silver, mair nor is ellis cuinzeit, in the Money new deviſed, quhilk ſall bee deliuered to them againe, after the ſame be paſt the Irones, in maner foirſaid, without deduction of onie profite, or vther dewtie theirfoir, except the Fees and dewties of the ſaidis Wark-men and Officiares vſed and wount. Attour OVR SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites, gives and grantis full freedome, licence and libertie to his Hienes Maiſter Cuinzeour, to breake-downe the preſent current money within this Realme, of elleuin pennie fine, ſpecially the thirtie, twentie & ten ſchilling peeces and Teſtones, and to cuinzie the ſame in the ſaid new money, deviſed at 40. ſchillings the vnce, of elleuin pennie fyne. Makand his Hienes dew compt and reakoning of the profite theirof, as apperteinis. For the quhilk the ſaid Maiſter Cuinzeour, nor vtheris the Officiares of his Hienes Cuinze-hous, ſall incurre na ſkaith nor danger in their Perſones, Lands, or Guddes. Notwithſtanding onie Actes Lawes, or conſtitutions maid in the contrair, Anent the quhilkes his Hienes, with adviſe of his ſaidis Eſtaites, diſpenſis.

107 The cuſtomer and Clerk of cocquet ſuld tak Caution for in-bringing of Bulzeon

OVR Soveraine Lord, with adviſe of his three Eſtaites, and hail body of this preſent Parliament, Ratifies & apprevis the Actes maid be his maiſt Nobill Progenitours, Anent the in-bringing of Bulzeon, with this addition, that euery Cuſtomer & Clerk of cocquet in time cumming, ſal tak ſik ſuirty or pledges as he wil anſwer for. That Bulzeon *equivalent* to the guds trāſported, ſalbe deliuered to the maſter of our Soueraine Lords Cuinzie-hous, betuixt & the nixt Checker therafter following, & at the hearing of the Cuſtomers compts, that he be comptrolled vpon the quātity of the Bulzeon, deliuered into the cuinze-hous, according to the letters of receipt of the Maiſter Cuinzeour,

Cuinzeour,& quhat reſts abone,that the ſaid Cuſtomer be anſwerabil their-foir. Providing,that in caſe ony of the gudes cuſtumat happins to periſh be chance,or to be taken away *per maiorem vim*, The Lordes auditoures of the Checker, being certified and perſwaded of the trueth thereof, ſall grant defalcation of the quantitie of the Bulzeon at their diſcretion. And for every vnce delivered to the Maiſter Cuinzeour of vtter fyne Silver, he ſall pay to the Merchand fourtie ſchillingis,and mak compt of the profite theirof in cuinzeit money to our Soveraine Lordes vſe.

108 Ane tabill or Roll ſuld be deliuered to the cuſtomer of all cuſtumable gudis

FORSAMEIKIL, As our Soveraine Lords Cuſtumes, arane of the partes of the Patrimonie of his Crown, And ſindrie gude and profitabil Actes hes bene maid,namely againſt them hauand gudes out of the Realme vncuſtumat, and how the cuſtume ſal remaine with the King for his liuing, Quhilkis Actes and all vtheris Actes maid toward his Majeſties cuſtumes foirſaidis. His Hienes with adviſe of his Eſtaites ratifies and approvis, and ordanis the ſame, to haue full effect and execution in time cumming with this addition: That ane Table be deliuered to all Cuſtomers, for vptaking and in-bringing of our Soveraine Lordes cuſtomes, ordaning that every Sack of Woll,ſal conteine bot twenty four ſtanes,euery hundreth Skinnes ſex ſcore and everie douzaine of Claith twelf elnis allanerlie.

109 For the ſuretie of them that aſſeiged houſes be the Kingis commiſſion,in his hienes Minoritie.

ANENT the Supplication giuen in to our Soveraine Lord, & Lordes of Artickles of this preſent Parliament,be the Nobil-men, and vtheris his trew and Faithfull Subjects, that ſerued in the defence of his Hienes Authoritie and Crown,during the late Ciuill trowbles within this Realme,in the time of his Majeſties zoung age,Makand mention: That quhair they being oft-times employed be his vmquhile Regentes for the time, in the execution of diuers commiſſiones aganis ſindrie of his Hienes vnnaturall Subjectes,Rebelles,and withſtanders of his Authoritie,quha at that time aſſiſted and tuke plane pairt with the declared Tratoures, Rebelles and enimies of his Majeſties Crown, with power alſwa to aſſeige Houſes, and raiſe fire for the better repreſſing of them. The ſaidis Noble-men and vtheris his Majeſties trew and Faithfull ſubjectes, for diſchargeing of their dewtie, in execution of the ſaidis commiſſiones with their friendes, aſſiſters, and ſeruandes ſearched and ſocht the ſaidis Rebelles and diſobedient Subjectes, quha placeing them ſelfis in Houſes in ſindrie pairts of this Realme,and keiping and fortifying the ſame againſt his Majeſtie and his Authoritie, they wer forced to raiſe fyre, and vſe all vther meanes of hoſtilitie for recouerie of the ſame. Quhairfoir his Majeſtie, with adviſe of his three Eſtaites of this preſent Parliament, Decernis & declaris, That al things done be the ſaidis Noble-men,

and

and vthers his Hienes faithfull ſubjectes, within the time of the ſaidis Ciuile troubles, for execution of the ſaidis Commiſſiones, againſt quhatſumever perſones, his Hienes Rebelles, Traitoures and diſobedient ſubjectes, for the time their ſervandes, friendes, aſſiſteris and partakeris wes lauchfully, weill, and dewtifullie done be them. And that there-intil they haue committed na crime nor offence, bot obeyed his Hienes and his Regentes commandements. Exonerand and diſchairgeand them of all Action, crime and offence, that ony pairtie may perſew or moue againſt them theiranent, at ony time hereafter.

110 *Againſt the ſchamefull oppreſſion of ſlaying and houching of Oxen, Horſes, and vther Cattell.*

FORSAMEIKLE, as be the louabill Lawes and Actes of Parliament maid of befoir, ſik ſpeciall reſpect is had to the labouring of the ground in dewe ſeaſon, as the Oxen and Cattell occupied in the Pleuch, are forbidden to be poynded for ony maner of debt, during the time of the Tilth. Zit ſindrie wicked perſones, mooved in deſpite againſt their Nichtboures, ceaſſes not commonlie in their private revenge, to houch and ſlay Oxen and Horſes in the Pleuch, Byre, and vtherwaies, And to hound out bair-men and vagabounds, to the attempting of ſik foull and ſchamefull enormities, ſa farre prejudiciall to the Commoun-weill, and againſt all gude example. For ſtancheing quhairof in time cumming, and to the terrour aſweill of the committeris of ſik foull and ſchamefull oppreſſiones, as of the cauſeris, fortifieris, and receipteris of the committeris theirof: IT IS ſtatute and ordained be OVR SOVERAINE LORD, with adviſe of the three Eſtaites of this preſent Parliament: That all ſik ſlayeris and houcheris of Horſes and Oxen, or vther Cattell in time cumming, ſall be eſteemed and puniſched as thieves. And all perſones that ſall happen to receiue, ſupplie, and maintaine the Authoures of ſik oppreſſion in companie or houſhald, after the committing theirof, ſall be eſteemed and puniſched as receipteris and maintaineris of thieves, And baith the committeris of the ſaid vnwoorthie and ſchamefull oppreſſion, and the receipteris, ſupplieris & maintaineris of them, being dewlie called and convict theirof, to incurre the paine of death, and confiſcation of all their gudes moovabill.

111 *For Execution of the Acts maid anent caſting downe, and halding downe of Cruves and Zaires, and puniſchment of the Tranſgreſſoures theirof, ſlauchter of reid Fiſche, and of the fry of all Fiſche.*

OVR SOVERAINE LORD, and three Eſtaites of this preſent Parliament, Ratifies and appreuis all Actes maid be his Hienes, and his maiſt Noble Progenitoures, Anent the deſtruction of Cruves, and Zaires, ſlauchter of reid Fiſche, Smoltes, and frye of all Fiſches. And ordainis the ſamin to haue effect and execution in time cumming. And becauſe it is vnderſtand to his Hienes, and his ſaidis three Eſtaites, that albeit

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paines and travelles wes tane, to caſt downe and deſtroye the ſaidis Cruves, and Zaires: zit in default of the execution of the paines conteined in the ſaidis Actes vpon the contraveners theirof, the ſaidis Cruves & Zaires are not halden downe, nor ony vther thing in effect, (appointed to be done be the ſaidis Acts) put in execution, throw the default and negligence of the ordinar Officiares, to quhome the execution theirof wes committed.

THEREFOIR, our Soveraine Lord, with adviſe of his ſaidis three Eſtaites, hes maid, conſtitute and ordained, and be the tenour of this preſent Act, makis, conſtitutis and ordainis the perſones after ſpecified, within the bounds particularlie followand, his Hienes Iuſtices in that pairt, to the effect vnderwritten. They are to ſay: *George* Erle of *Caithnes*, for the boundes of *Caithnes* and *Strathnaver*. *Alexander* Erle of *Southerland*, for the boundes of *Southerland*, and all Rivers theirin. The ſaid Erle of *Southerland*, *George Roſs* appeirand of *Balnagowne*, and *Robert Monro* of *Fowlles* conjunctlie and ſeverallie for the water of *Killoſochell*. The ſaid *Robert Monro* of *Fowlles*, Baillie and Chamberlaine of *Roſs*, for the water of *Conan*. *James* Erle of *Arran*, and his Deputes for the water of *Ferrar*. The Schireffe of *Innernes* and his Deputes, and the Proueſt and Baillies of *Innernes*, for the water of *Neſſe*. The Schireffe of *Narne*, and his Deputes, and the Proveſt and Baillies of *Narne*, for the water of *Narne*. The Schireffe of *Elgyne* and *Fores*, and his Deputes, and the Baillies of the Erledome of *Murray*, and of the Abbay of *Kinlos*, and Priory of *Pluſcarden*, and the Proveſtes and Baillies of the Burrowes of *Elgyne* and *Fores*, for the waters of *Spey*, *Findorne* and *Loſſey*. The Schireffe of *Bamff* and his Deputes, and the Proveſt & Baillies of the Burgh of *Bamff*, for the water of *Doverne*. The Laird of *Eſſilmont* for the water of *Ythane*. The Erle *Marſchell* for the water of *Vgy*. The Schireffe of *Abirdene* and his Deputes, and the Proveſt and Baillies of *Abirdene* for the waters of *Dee* and *Don*. The Schireffe of *Kincardin* and his deputes for the waters of *Cowy* and *Berwy*. The Erle of *Mont-roſe*, and the Proveſt and Baillies of *Mont-roſe* for the waters of *North-Esk* and *South-Esk*. The Schireffes of *Perth* and *Forfare*, Stewart of *Stratherne*, and their deputes, and Proveſtes and Baillies of *Perth* and *Dundie* for the waters of *Tay* and *Erne* and their graines. The Schireffe of *Fife*, and his deputes, for the South-ſyde of *Tay*, lyand within the Schirefdome of *Fife*, and for the water of *Levin*. The Proveſt and Baillies of *Cowper*, for the water of *Eden*. The Stewart of *Menteith* and his deputes, for the heades of the waters of *Teith* and *Forth*. The Schireffe of *Striviling* and his deputes, and the Proveſt and Baillies of *Striviling*, for the remanent of the waters of *Forth*, *Teith*, *Gudie*, *Carron*, *Allon* and *Dovane*, and their graines. The Schireffe of *Linlithcow* and his deputes, and the Proveſt and Baillies of *Linlithcow* for the water of *Avane* & South-ſyde of *Forth*, within the bounds of that Schirefdome. The Schireffe of *Edinburgh* principall, & his deputes, and the Proveſt and Baillies of *Edinburgh* for the waters of *Awmond*, *Leith*, *North* and *South-Esk*. The Schireffe of *Edinburgh* within the Conſtabularie of *Hadingtoun* and his deputes, and the Proveſt and Baillies of *Hadingtoun*, for the waters of *Tyne* and *Beill*. The Schireff of *Dumfreis* and his deputes, The Erle of *Mortoun*, Wardane of the Weſt Marches, and his deputes, and

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the Proveſt and Baillies of *Dumfreis*, *Kirkcudbricht* and *Annand*, for the waters of *Annand*, *Nyth*, *Dee*, *Cree* and *Luce*. The Baillie of *Carrict* and his deputes for the waters of *Stinchel*, and *Girvane*. The Schireffe of *Air* and his deputes, and the Proveſt and Baillies of *Air*, for the waters of *Dune* and *Air*. The Baillie of *Cunninghame* and his deputes, and the Proveſt and Baillies of *Irwing*, for the waters of *Irwing* and *Garnok*. The Schireffes of *Lanark*, *Renfrew*, and their deputes, and the Proveſt and Baillies of *Glaſgow*, *Renfrew*, and *Lanark*, for the water of *Clyde* and graines theirof. The Schireffe of *Dumbertane* and his deputes, and Baillies of the Burgh of *Dumbertane*, for the waters of *Leuin* and *Ainrik*. The Schireffe of *Argyle* and *Tarbart*, and his deputes, for the boundes of the ſaid Schirefdome, & *Lorne*, to the march of the Schirefdome of *Innernes*, and the ſaid Schireffe of *Innernes*, and his deputes, for all the boundes of the ſaid Schirefdome on the *North-weſt coaſt*, fra the marche of the Schirefdome of *Argyle* to *Strathqaver*. GIVAND, grantand, and committand to the ſaidis Iuſtices in that pairt, conjunctlie and ſeverallie, within the bounds particularlie abone written, ful power, ſpecial command, expreſſe bidding and chairge: To inquire, and take vp dittay of all perſones, contraveners of the ſaidis Actes of Parliament, within the boundes particularlie abone written, Alſweill the principall offenders, as their Maiſters, Landiſ-lordes, and receipteris, And to call them to vnderliethe Law therefoir, in the Tolbuith of the head Burgh of every Schire, or vther place convenient, at the diſcretion of the ſaidis Iuſtices, and put them to the knawledge of ane Aſſiſe: And as they be foundin culpable or innocent, to miniſter juſtice vpon them, conforme to the Lawes of this Realme. The paines conteined in the ſaidis Actes, to raiſe and vplift, and of the ſamin, to make compt, reckoning and payment to our Soveraine Lord, and his Hienes Theſaurer in his Checker. And to the effect, that the execution of the ſaidis Actes ſall not be neglected, as in times bypaſt: Ordanis twa ordinar Iuſtice Courtes to be halden zeirlie. The ane the firſt day of *Februar*, and the vther at the firſt day of *Auguſt*, or the nixt lauchfull daies thereafter following, beſide vther Courtes to be halden at vther daies, quhen occaſion ſeruis, at the diſcretion of the ſaidis Iuſtices. And in caſe the ſaidis Iuſtices, or ony of them failzie in doing of their exact diligence, for execution of this preſent commiſſion, at twa times every zeir, as ſaid is, being called and convict theirof be OVR SOVERAINE LORDIS Iuſtice principall or his deputes, at the inſtance of his Hienes Advocate, Every ane of them ſall incurre the paine of twa hundreth pundes, to be vplifted of them be his Hienes Theſaurer, to his Majeſties vſe. Be it alwaies vnderſtand, that this preſent Act, nor nathing theirin conteined, ſall be prejudiciall to his Hienes Subjectes, being dewlie infeft and in poſſeſſion of halding of Cruves, Lines or loupes within freſch waters, Bot that they may vſe, joiſe, bruik and occupie the ſame in time cumming, according to their richtes, keepand the Setterdayes ſlop, and ſik diſtance betwixt every Heck, as the Actes of Parliament appointis. And in caſe they failzie theirin, to be accuſabill, and ſuffer puniſchment, as the remanent tranſgreſſoures of the ſaidis Actes.

112 Execution may be againſt ony thieſt and reiſe, committed be ony vther of the ſamin Clanne.

OVR SOVERAINE LORD, And his three Eſtaites, in this preſent Parliament, having conſidered the mony grieuous oppreſſiones and cruelties, quhair-unto his peaceabill and gude ſubjectes ar ſubject, findis nathing mair intollerabill, nor the deadly feedes, borne be the Clannes of thieues, broken men, and Sorneris vpon trew men, for the ſlauchter, taking, hurting of the ſaidis thieues, broken men, and Sorneris, taking and bringing them to Iuſtice, or in the defence and ridding of trew mennes gudes, ſtollen and reft fra them. And how the ſaidis Clannes of thieues, for the maiſt pairt ar companies of wicked men, coupled in fellowſchippes be occaſiõ of their ſur-names, or neir dwellings togidder, or throw keiping ſocietie in thieft, or receipt of thieft, not ſubjected to the ordinar courſe of juſtice, nor to ony ane Landiſ-lord, that wil mak them anſwerabil to the Lawes, bot commounlie dwelland on ſindrie mennes lãdes, againſt the gude-will of their Landiſ-lordes, quhair throw trew Men oppreſſed be them, can haue na remeid, at the handes of their maiſters, bot for their defence, ar oftentimes conſtrained to ſeeke redres of their skaithes of the haill Clanne or ſik of them as they happen to apprehend, like as the haill Clanne, commounlie bearis feed, for the hurt receiued be onie member theirof, quhidder be execution of lawes, be ordour of Iuſtice, or vther wiſe.

IT IS theirfoir declared, ſtatute and ordaned, be our SOVERAINE LORD, with adviſe of his three Eſtaites, and haill body of this preſent Parliament: That it ſall be leſum to all his obedient and gude ſubjectes, that ſall receiue onie harme or skaith, throw ſtouth or maiſterfull reif of their gudes, to be committed after the dait heirof, be onie of the ſaidis notorious thieues, broken men, or Sorneris of the ſaidis Clannes of thieues, in time cumming, To apprehend, ſlay, and arreiſt, the bodies and gudes of the perſones, offending againſt them or onie vthers, being of the ſame Clanne, their ſervandes, dependers, or partakers, quhairever they ſall finde them, in onie partes of this Realme, ay and quhill the principalles, or vtheris of the ſaid Clan, cauſe the ſaidis harmes and skaithes be redreſſed, to the ſatiſfaction of the ſuſteiners theirof: or at leaſt, finde ſufficient ſovertie to that effect, to the contentmẽt of the perſon that hes ſuſteined the skaith, in-caſe it ſalbe found be order and tryall, according to Iuſtice, that the offender and deed-doer wes onie wayes receipt, ſupplied, and mainteined amanges the ſaid Clan, after the offence committed.

113 Againſt the exceſſe of coaſtelie Cleithing, And tranſporting of Woll, quhairby the pure may be the better halden in Warke.

THE Kinges Majeſtie, and Eſtaittes of this preſente Parliament, Conſidering the greate abuſe, ſtanding amang his Subjectes of the meane Eſtaite, preſuming to counterfaict his Hienes and his Nobilitie, in the vſe &wearing of coaſtelie Cleithing of Silkes of al ſortes, Layne, Cammeraige, Frienzeis,

Freinzies,and Paſmentes of Gold,Silver and Silk,and Wollen Claith, maid and brocht from vther foreyne Cuntries, quhair-throw the prices of the ſame is growen to ſik exorbitant dearth,as it is not abil to be langer ſuſteined without the great ſkaith and inconvenient of the commoun weill, howbeit God hes granted to this Realme ſufficient commodities for cleithing of the Inhabitantes theirof within the ſelfe,gif the peopill wer verteouſlie employed in woorking of the ſame at hame, quhairby great numbers of pure folkes, now wandering in begging,micht be releiued,alſweil to the honeſty, as wealth of the Cuntrie. For remeid quhairof, It is ſtatute and ordained bee our Soveraine Lord,with adviſe of his Eſtaites and hail body of this preſent Parliament: That nane of his Hienes Subjectes, Man or Woman,being vnder the degrees of Dukes, Erles,Lordes of Parliament,Knichtes, or landed gentil-men,that hes or may ſpend of frie zeirlie Rent, twa thouſand markes, or fifty Chalders Victuall at leaſt, or their Wives,Sonnes or Douchteris, ſall after the firſt day of May nixt to-cum, vſe or weare in their Cleithing, or apparrell, or lyning theirof,onie Claith of Gold, or Silver, Velvot, Satine Damask,Taffataes,or ony begairies,Frenzies,Paſments,or broderie of Gold Silver,or Silk: nor zit Layne, Cammerage, or Wollen Claith, maid and brocht from onie foreine Cuntries,vnder the paine of ane hundreth pundes of every gentil-man landed, ane hundreth marks of every gentil-man vnlanded, and fourtie pundes of ilk Zeaman, for every day that hee, his Wife, Sonne or Douchter tranſgreſſis this preſent Act, The ane halfe to the vſe of OVR SOVERAINE LORD, or Lord of the Regalitie, within quhais boundes the tranſgreſſoures are apprehended: and the vther halfe to the Schireffes,Stewartes and Baillies within their Iuriſdictiones: Proveſtes, Aldermen, and Baillies within Burrowes and Cieties: and to the Stewwartes and Baillies within Regalities, for their paines. Quhilkis ordinar Iudges be them ſelues, their Deputes and Officiares, ſall haue power to attеach and arreiſt the Perſons tranſgreſſoures of the ſaid Act,and to put them in Waird, quhill they bee tryed vpon the ſaid tranſgreſſion, be ane Aſſiſe, quhilk ſall be done within the ſpace of three dayes after their apprehenſion at the fartheſt. And being found culpable, to halde them in Waird, quhill they haue payed the ſaid paine,and found Sovertie to abſteine in time cumming, vnder dowbling of the paine, Exceptand alwaies the Officiares and ſeruandes of OVR SOVERAINE LORDIS Houſhald,conteined in the Roll theirof. The Officiares of his Eſtate, Senatours of the College of Iuſtice, Advocates and Scribes theirof, Schireffes, Stewartes,and Baillies, the Proveſtes, Baillies and perſones,being, or that hes bene on the Councells of Burrowes, and Iudges in Regalities, Herauldes and Maſers, quhilkis ſall not be ſubject to the paines of this preſent Act, For wearing and vſing of ſik apparrell, as they haue, or ſall happen to haue in time cumming, either in the time that they beare Office, and are Counſellers or thereafter, during their life-times, Nether ſall onie of his Hienes Lieges bee ſubject to the ſaidis paines, for vſing and wearing of onie their Cleithing, alreadie maid befoir the publication of this preſent Act, nor to onie ſeruandes,for vſing and wearing of the auld cleithing of their Maiſteris or Maiſtreſſes,nor

to onie Weemen, for vſing and wearing of ſik apparrell vpon their heades, as they haue bene accuſtumat to weare in time bygane. And to the effect, that all his Hienes Subjectes prohibite be this preſent Act, to weare the ſaid coaſtelie Cleithing, may the better be ſerved of Claith and vther ſtuffe, wrocht within this Realme, to their ſufficient Cleithing in their degrees, As alſwa that the pure peopill may be the better halden in wark, throwe the labouring of the woll of this Cuntrie within the ſame: THEREFOIR, IT IS ſtatute and ordained be OVR SOVERAINE LORD, with adviſe of his ſaidis Eſtates: That na maner of woll be tranſported or put in Schippes or Boates, to be tranſported furth of this Realme in time cumming, vnder the paine of confiſcation of the ſame Woll, and of all the remanent gudes mouabill of the perſones awners and tranſporters theirof, to OVR SOVERAINE LORDES vſe. And that na licence or diſpenſation ſall be granted be OVR SOVERAINE LORD or his ſucceſſoures, to quhatſumever Perſone or Perſones, for tranſporting of Woll furth of this Realme, after the ſaid firſt day of *Maij* nixt to cum, vnder quhatſumeuer cullour or pretenſe. And that alſweill the purcheſſeris of the ſaid diſpenſationes or licences (gif the ſamin ſall happen throw inopportunitie, or wrang narratiue, to be granted) as their informers buyers of the licences, from the purcheſſeres vſers theirof, and tranſporteres of the Woll in their Schippes and veſſelles, ſall incur the ſaidis paines, as gif na ſik licences had bene granted, quhilkes ſalbe eſteemed bot as priuate letteres, ſurreptitiouſly purchaſed, quhaireuer they ſall happen to bee ſchawen in Iudgemente, or out-with, quhairthrow the trew effect and meaning of this preſente Act, ſall na wayes be hindered or prejudged.

114 *Againſt ſuperfluous Banquetting, and the inordinat vſe of Confectoures and Drogges*

OVR SOVERAINE LORD, And his three Eſtaites conuened in this preſent Parliament, vnderſtanding the great exceſſe & ſuperfluitie vſed in Bridelles and vtheris Banquettes amangis the meane Subjectes of this Realme, alſweill within Burgh as to Landward, To the inordinat conſumption, not onlie of ſik ſtuff as growes within the Realme, bot alſwa of Drogges, Confectoures and Spiceries, brocht from the pairtes bezond Sea and ſauld at deare prices to monie folke, that are verie vnabill to ſuſtene that coaſte. For ſtanching of quhilk abuſe and diſorder, IT IS ſtatute and ordaned be OVR ſaide SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites: That na maner of Perſones his Subjectes, being vnder the degree of Prelates, Erles, Lords, Barronnes, landed gentil-men, or vtheris that are worth and may ſpende in zeirlie frie Rent, twa thouſande markes money, or fiftie Chalderes Victuall, all charges deduced, ſall preſume, to haue at their Bridelles, or vther banquettes, or at their tables in dayly cheare, onie Drogges or Confectoures, brocht from the pairtes bezond Sea, & that na Banquettes ſall be at onie vpſittinges, after baptizing of bairnes, in time cumming, vnder the paine of twentie pund to be payed be everie Perſone, doer

doer in the contrair, Alſweil of the Maiſter of the Houſe, quhairthe effect of this Act is contravened, as of all vther perſones, that ſall be found or tryed partakeris of ſik ſuperfluous Banquetting, and eſcheitting of the Drogges and Confectoures apprehended. For quhilk the Proueſt and Baillies within Burgh, and the Schireffes, Stewarts, Baillies and Lords of Regalities, & their Baillies to Land-ward, ſall appoynt ſearchers, To quhilkis ſearcheris oppen durres ſal be maid, of quhatſumeuer Houſes that they cum to ſearche, vnder the paines to be eſteemed culpabill in the tranſgreſſion of this Act, gif they refuſe. And the offenderis being apprehended, to bee taken and halden in Waird, quhill they haue payed the ſaidis pecuniall paines, to be employed the ane halfe to the behoove of the ordinar Officiares and ſearchers, and the vther halfe to the pure of the Parochine.

115 *Ratification of the Act of Parliament, concerning the Deciſion of Appellationes, maid to the Court of* Rome.

OVR SOVERAINE LORD, And three Eſtaites of this preſent Parliament, Ratifies, appreuis, and confirmis the Act of Parliament vnder written in al points, paſſes, clauſes & Artickles conteined theirintill. And ordanis the ſamin to haue full ſtrength, force and effect, and alſwa decernis and declairis the ſamin Act to haue bene ane commoun Law, fra the day & dait theirof, and ſwa to be in all times cumming. And that na Iudge within this Realme tak vpon hand, to cognoſce or decide in onie cauſe contrair the tenour and ordinance of the ſaid Act, or to wry or wreiſt the ſamin, be their ingyne or interpretation, bot the ſamin Act to be keeped in all the circumſtances theirof, according to the tenour of the ſamin, Of the quhilk the tenour followis. IN THE PARLIAMENT, halden at *Edinburgh*, the tenth day of Iulie, the zeir of God, 1560. zeires, The ſaid Parliament being continewed to the firſt day of Auguſt nixt thereafter following, with continuation of daies vpon the 24. day of the ſaid moneth of Auguſt: The three Eſtaites then being preſent, vnderſtanding that the Lieges and ſubjectes of this Realme, hauand actions dependand & perſewed in the Court of *Rome*, or in the conſiſtories of the ſamin, hes ſuſteined great expenſes; ſa that they haue bene alluterlie herried theirthrowe. For eſchewing of the quhilk, and that na pairtie, havand juſt Action, be defrauded theirof. IT IS ſtatute and ordained, that all pairties, aſweill perſewers as defenders, hauand pleyes, dependand in the ſaidis Court of *Rome* or Conſiſtories, or befoir vthers Iudges, called Delegates or Sub-delegates, ſall perſewe or defend the ſame at their option befoir the Lordes of our Soverainis Seſſion, the Schireffe, Stewart, or Baillie of Regalitie, Baillie of Baronie, Proveſt or Baillies of Burrowes, or vthers temporall Iudges ordinars within this Realme, quhair the pairtie perſewer aucht to anſwer of the Law, and the ſaidis proceſſes to beginne quhair they left, according to the laſt Act of the proces, and after the forme theirof, quhill the finall end and deciſion of the ſamin. And the ſentence being giuen, the execution to be maid theirof, as of vther

ſentences pronunced befoir vther temporall Iudges of this Realme. And attouer, becauſe it is likewiſe vnderſtand, that there is Appellationes maid and interponed fra diuers ſentences, given in the foirſaidis Conſiſtories, and als fra ſentences be Iudges Delegates & their Sub-delegates, quhilkis appellationes being juſtified, may reduce the ſaid ſentences. Theirfoir, IT IS ſtatute and ordained, That the pairties quha hes appealed, giue in their ſupplications to the Lordes of our Soverainis Seſſion, to haue letters to call the pairtie, for quhome the ſentence is giuen, to compeir befoir the ſaidis Lords to heare and ſee twa, three, or foure named be commiſſion, To ſit in the maiſt convenient place, to cognoſce vpon the ſaid Appellation and ſentence, and to declaire the ſamin, according to the Law, Outher retreitand the ſentence or confirmand the ſamin. Providing that the perſewers of thir appellations do their diligence in maner foirſaid, within the terme and ſpace ſpecified in the Lawes, vtherwaies not to be heard hereafter, bot execution to be giuen vpon the ſaidis ſentences, ſiklike as and the pairtie had not appealed theirfra. And in like waies, becauſe it wes lauchfull at ſum time, be way of Supplication, called *Per modum ſimplicis querelæ*, for to ſeeke remeid of the nullitie and iniquitie of ſentences, albeit na appellation had bene maid and interponed theirfra. Therefoir it is ordained, that the ſaidis ſupplicationes ſall be giuen in be the compleeners, to the ſaidis Lordes of the Seſſion, quha ſall haue cognition theirintill, & do juſtice theiranent, conforme to the Law, Providing alwaies, that this haue place onlie in ſik cauſes, as of befoir were permitted to perſew *per modum ſimplicis querelæ*, allanerlie.

116 *Againſt the abuſe of ſum landed Gentil-men, and vtheris forbearing to keepe houſe at their awin dwelling places.*

FORSAMEIKLE, as of lait there is croppen in amangis ſum Noble men, Prelats, Baronnes, and gentil-men, in certaine pairts of this Realme, being of gude livinges, great abuſe contrair the honour of the Realme, and different from the honeſt frugalitie of their Forebeares, paſſing to Burrows, Townes, Clauchannes and Aile-houſes with their houſhaldes, and ſum abiding in their awin places, vſis to buird themſelues and vthers to their awin ſervands, as in hoſtillaries, quhairon skaithfull and ſchameful inconvenients dailie falles out, to the offence of God, defrauding of the pure of their almes, ſclander of the cuntrie, and hurt of the authours. For remeid quhairof, Our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ſtatute and ordained: That every Prelate, Lord, Baronne, & landed gentil-man, ſal make his ordinar dwelling and reſidence at his awin houſe with his familie, in all time cumming, after the publication of the Acts of this preſent Parliament, For ſetting fordward of policie and decoration of their ſaidis dwelling places, ſupporting of the pure with almes, and interteining of friendſchip with their Nichtboures be al gude and honeſt meanes. And that they forbeare the ſaid vnhoneſt forme of buirding of themſelues, and their families and houſhaldes in Burrowes, Clauchannes and Aile-houſes, or in their awin houſes, vnder the paines following, That is to ſay: Ilk Lord and

Prelate

Prelate, vnder the paine of 500. markes, ilk great Baronne vnder the paine of 300. markes, and ilk landed Gentil-man vnder the paine of 200. markes. And gif they failzie, being called and ordourlie convict of transgressing this present Act, the saidis paines to be vp-lifted to our Soveraine Lords vse.

117 The forme and paine of Law-borrowes.

FORSAMEIKLE, As sindrie gude Actes hes bene maid anent finding of Law-borrowes, for preservation of the trewe and obedient Subjectes from injust force and violence. And laitlie for their greater comfort, IT was weil ordained, that the paines of Law-borrowes suld be divided betwixt the King and the Pairtie offended vnto. Nevertheless, seeing the paines of Law-borowes hes extended only in time bygane, for safetie of bodielie harme from the person of the compleener: The malice of the wicked sa increassis, as they cease not be indirect meanes, and hounding out of Limmars, vagaboundes, and vthers not responsall, to invade the Innocent persones, not onlie in their bodies, bot to rieue, steale, houch, or slay their Oxen, Horses, & vther Cattell, cut or destroy their Cornes, or to cause eate the same with Bestial, to hound & slay their scheepe with dogges, boast themselues in sik sorte, as they dare not lie in their awin Houses, or to manace their servandes, to lieue their service, quhairthrow their ground may be layed waist, to the vtter wrack and depaupering of the Innocentes.

QVHAIRFOIR, OVR SOVERAINE LORD, with advise of his three Estaites in this present Parliament, Ordainis, That all Letters of Law-borrowes, sall be direct in time cumming, at the instance of the pairties compleenand, Chairgeing the persones compleened vpon, to finde sicker sovertie & Law-borrowes, that the compleeners, their wiues, bairnes, tennentes and servandes, sall be harmeles, and skaithles in their bodies, Landes, Takkes, possessiones, gudes and geare, and on na wayes to be molested or troubled theirin, be the persones compleened vpon, nor na vthers of their causing, sending, hounding-out, receipting, command, assistance & rati-habition, quhome they may stoppe or let directlie or indirectlie, vtherwayes nor be ordour of Law and Iustice, vnder great paines to be modified be the Lordes of Session, or vthers ordinar Iudges, Be quhome, in case the said Law-borrowes sal be dewlie tryed to be broken, the ane halfe of the paine sall perteine to OVR SOVERAINE LORD, and the vther halfe to the pairtie grieved, according to the effect and meaning of the said Act, maid to that effect of befoir.

117 Anent deforcements, breaking of Arreistmentes, and Alienationes maid in defraud of Creditoures.

FORSAMEIKLE, As it is heauelie compleened to OVR SOVERAINE LORD, be diuers his subjectes: That quhen they haue vpon their lang travel and expenses recovered their sentence, they ar deforced in execution theirof. Lyke as quhen Arreistmentes ar maid to mak the gudes furth-

furthcummand,after the recovery of the debt,the ſamin ar contempnandlie broken. And farder,the execution of ſentences & decreetes are oft times impedite be fraudfull alienationes of the debtoures Landes and gudes,maid be them throw colorate meanes, to their friendes & conjunct perſones. And the Pleyes and actions vpon deforcements,breaking of arreiſtments, and reduction of fraudeful alienationes, hes bene ſwa tedious, ſumpteous & langſum, that very fewe of them are brocht to ony gude end, quhairby our Soveraine Lordis Authoritie is contemned, and his ſubjectes are brocht to great inconvenient. For remeid quhairof, IT IS ſtatute and ordained, That the Lordes of Councell and Seſſion proceede ſummarlie and diligentlie in all actiones of deforcementes, and breaking of arreiſtmentes, to be intented befoir them,at the inſtance of quhatſumever perſones, and ſpeciallie that the ſaidis actiones, quhen they are called, ſall with all convenient ſpeed without intermiſſion be put to ane point,after the calling theirof. And that the perſones convict of deforcement,or breaking of arreiſtment, ſall be puniſched be the Eſcheit of their gudes moovabill, and puniſchment of their perſones, at our ſaid Soveraine Lordis will, according to the Lawes obſerued of befoir,with this addition: That the pairtie recoverer of the ſentence, ſall be firſt payed of his debt and of his expenſes, to be heichlie taxed be the ſaidis Lordis,and of ane certaine ſumme of money to be modified at the ſaidis Lordis diſcretion, to the pairtie, for the damnage and intereſt ſuſteined be them,Anent the quhilk the pairtie intereſt, ſall haue the reddie execution vpon the firſt and reddieſt gudes and geare of the perſone convict: Notwithſtanding the richt of the Eſcheit perteining to our ſaid SOVERAINE LORD, quha forweill of his ſubjects,will and grantis, that the creditours be preferred to him in this caſe. And further with adviſe of his ſaidis three Eſtaites,IT IS ſtatute & ordained be his Hienes: That all giftes of eſcheit, quhilkis ſal be giuen hereafter, to quhatſumever perſon or perſons of gudes, geare,and vthers cummand in his Hienes handes for deforcement,or breaking of arreiſtment, ſall conteine expreſſe exception and reſervation, to the Creditour,of the ſummes recovered for his principall debt, expenſes and ſumme, to be modified as ſaid is. And gif ony gift of Eſcheit proceeding vpon the cauſe foirſaid, be given without the ſaid reſervation & exception, the ſame ſall be null and of nane availl. And ſiklike, for the greater expedition of reduction of Alienationes and diſpoſitiones of Landes and gudes, maid in fraude of the Creditour, IT IS ſtatute and ordained, that the ſamin be maiſt ſummarlie decided and priviledged be ſummondes vpon 21. dayes warning,without diet,table or continuation of vther ſummonds. And that the Pairtie receiver of the ſaidis fraudefull alienationes and diſpoſitiones, ſall not be heard to defend theirin,except that they (befoir they be admitted to produce the ſaidis alienationes and diſpoſitiones,and to anſwer to the ſummonds) conſigne in the handes of the Clerk of Regiſter and his Deputes,for quhome he ſall be halden to anſwer, ſik ſummes of money,as ſal be modified,be the diſcretion of the ſaidis Lordes,to be delivered to the pairty perſewer, in caſe the ſaidis alienationes and diſpoſitiones ſall be declared fraudfull.

118 *Anent regiſtration of inhibitiones and interdictiones.*

ITEM, Albeit interdictiones and inhibitiones, for many great and weichtie conſiderationes, to divers intentiones, ar very neceſſar and profitable: Nevertheleſſe, it is of lait conſidered, that the ſaidis inhibitiones and interdictiones, ar greatly abuſed, to the hurt & prejudice of our Soveraine Lordis lieges, cõtrarie to the end quhair-unto they wer firſt directed: In ſa far, as interdictiones, for the maiſt pairt proceedis vpon conſent of Pairty, like as the ſaidis interdictiones, and letters of inhibition, often-times proceedis vpon licht cauſes: The executiones quhairof, ar ſundrie times forged and fenzeit, and after monie zeires, the executor and witneſſes being deceaſſed, the ſaidis inhibitiones and interdictiones ar vſed againſt our Soveraine Lordis lieges, at the inſtance of the receiuers theirof, and vthers, for reſcinding & retreating of contractes, infeftmentes, and vther richtes vpon allegeance, that the ſamin ar maid fraudfullie, after the publication of the ſaid interdiction, and inhibition: Be the quhilk craftie dealing, ſik as contracted *bona fide*, ar brocht in danger to their great damnage, and to the advantage of the ſaidis perſones, abuſeres of the ſaidis inhibitiones and interdictiones. For remeid quhairof, & to the effect that everie ane of our Soveraine Lordis lieges may knaw and vnderſtand, the conditione & qualitie of the perſon, with quhom he contractis in this head, quhidder he be ſubject and thrall to interdiction or inhibition, or be at his awin freedome and libertie to contract. ITIS ſtatute and ordaned, that all inhibitiones and interdictiones to be raiſed hereafter for quhatſumever cauſe, with the executiones & indorſationes theirof, be within 40. dayes after the publication and execution of the ſaidis inhibitiones & interdictiones, produced firſt to the Schireffe clerk of the Schire, quhair the perſone interdited or inhibit dwellis, and makis his reſidence. And gif the ſaid perſone haue his landes and heritage, or the maiſt pairt theirof lyand in ane vther Schiref-dome, nor quhair he dwellis: That the perſon, at quhais inſtance the vther is interdited or inhibite, produce the ſaid interdiction and inhibition, dewely execute and indorſat to the Clerke of the Schire, quhair the ſaidis lands lyes, within the ſamin 40. dayes. Quhilkis letters of interdiction and inhibition, with the execution theirof, the ſaidis Schireffe Clerkes, ſall inſert in their regiſters, takand for everie letter, with the executions theirof, fiue ſchillinges. Quhilk letter, with the execution theirof, they ſall ſigne with their ſubſcription, and deliver the ſamin ſwa ſignet to the partie, within xxiiij. houres, nixt after the receipt theirof. The extract of the quhilk regiſter, ſall haue as great faith and ſtrength, as gif the originall wer ſchawin, except the parties hauand intereſt to oppone againſt the ſaidis inhibitiones and interdictiones, offer to imprieue the ſamin, be way of action, or exception. In the quhilk caſe, the pairtie purcheſſer of the ſaidis letters, and vthers havand intereſt to defend the ſamin, ſall be halden to produce the principalles, and originalles, notwithſtanding that they be regiſtrat, as ſaid is. And that na interdiction or inhibition to be rayſed and executed heirafter, be of force, ſtrength, or effect, to onie intention, bot the ſamin to be null and of nane availl, except the ſamin be dewlie regiſtrat, as ſaid is.

Ratifica

Ratification of the Act anent preſcription in cauſes of ſpuilzies and ejectiones.

OVR SOVERAINE LORD, with adviſe of his three Eſtaites, in this preſent Parliament, Ratifies and appreuis the Act maid in his Hienes Parliament, halden and begun at *Edinburgh* the 20. day of October, the zeir of God, 1579. zeires: Anent preſcription in cauſes of ſpuilzies and ejectiones, And ordanis the ſame to haue effect and execution in time cumming, after the forme and tenour theirof.

119 *Anent the Convention of Burrowes.*

FOR SAMEIKLE, As it was found neceſſar to OVR SOVERAINE LORD, and his Hienes Predeceſſours, That the Commiſſioners of Burrowes conuene at ſik times, as they ſuld think gude; in quhat Burgh they thoucht maiſt expedient, with full commiſſion, To treat vpon the weilfair of Merchandis and Merchandice, gude rewle and ſtatutes for the commoun profit of Burrowes, as at mair lenth is conteined in the Acts of Parliament maid theiranent, & anent the Priuiledge of Burrowes. Theirfoir our Soveraine Lord, with adviſe of his thre Eſtaits of this preſent Parliamẽt, Ratifies and apprevis the ſaidis Actes. And for the better obſervation of the ſaidis Conuentiones be ſik Burrowes, as hes heirtofoir not ſent their Commiſſioners at onie time theirto, hes ſtatute and ordained, that in time cumming, quhen onie conventiones of Burrowes is appointed, be the maiſt pairt of the ſaidis Burrowes, or be the Burgh of *Edinburgh* and onie ſex or aucht of the reſt, The Burgh warned theirto be ane Miſſive bill of the Proveſt and Baillies of the Burgh, quhair the ſaid convention is to be halden, or vtherwayes lauchfullie cited theirto, and not compeirand be their Commiſſioner ſufficientlie inſtructed, ſall pay the charges of the Burghes that ſall conuene the ſumme of twentie pundes. And ordainis the Lordes of Councell & Seſſion, to grant and direct Letters of horning or poynding, againſt the Burrowes abſent fra the ſame Convention, and adjudged bee the remanent Burrowes, to haue incurred the ſaid paine & vnlaw. And this at the inſtance of the Burgh of *Edinburgh*, without farther proces or calling of pairty theirto. The ſaidis Lords ſeand the Act authenticklie ſubſcrived be the Clerk of that Convention, That they ar abſent and convict, as ſaid is.

120 *Anent the cumming of Schippes to the Burrowes in the* Weſt Cuntrie.

OVR SOVERAINE LORD, And his three Eſtaites of this preſent Parliament, Ratifies, appreuis, and confirmis the Act, maid be his Hienes maiſt Nobill Progenitor King *Iames* the Fourt of gude memory, Anent ſtrangers repairing within this Realme with their ſchippes and gudes in all poyntes, paſſes, clauſes, and artickles theirof, And decernis the ſamin to haue full effect and ſtrength in time cumming, after the forme and tenour theirof,

theirof, with this Addition: That all maner of ſtrangers ſchippes, and vtheris repairing to the *Weſt pairtes* of this Realme, *Weſt* & *North Iles* theirof, cum to the Kinges frie Burrowes, ſik as *Kircudbricht*, *Wigtoun*, *Air*, *Irwing*, *Rotheſay*, *Dumbartane*, or *Renfrew*, and their make their merchandice with frie men theirof, of all maner of gudes, alſweill brocht within this Realme bee them, as tane furth of the ſamin, and pay their cuſtome and dewtie to the ordinar Cuſtomers in they pairtes, quhair they arriue and paſſes fra, and takke their cocquettes there, as the vther Lieges of the Realme. Inhibitand expreſſlie the ſaidis ſtrangers, that they mak na maner of merchandice, at the Loches of the *Weſt* and *North Iles*, nor na vther places, not being frie Burrowes, nor buy onie merchandice or fiſche, bot ſalted & barrelled, bot at free Burrowes and that fra free-men: Commanding expreſſlie, all our Soveraine Lordis lieges, that nane of them conduct, fraucht, nor pilot onie ſtranger, to the ſaidis *Iles*, vnder quhatſumever cullour or pretence, to the defraud of our Soveraine Lordis lieges, and of his Hienes cuſtomes, vnder the paine of tinſell of of life, Landes, and gudes. And commanding alſwa, all ſtrangers, reſorters, and repairers, within the ſaidis *Iles*, that they, nor nane of them, do, nor attempt onie deed or fact, in contrair heirof, vnder the paine of amiſſion, tinſel and confiſcation of their haill ſchippes and gudes. Giuand alſwa full power and commiſſion to the Proveſtes, Baillies, and Officiares, of the ſaidis Burrowes, for quhom they ſall be halden to anſwer, to ſearch, ſeeke, tak, apprehend, and in-bring all the ſaidis ſtrangers, contraveneris of this preſent Act, everie ane of them within the boundes of their juriſdiction: And gif they be foundin culpabill, and breakers heirof, to proceed and do juſtice theirvpon, and to appoynt and tak vp their haill ſchippes and movabill gudes, That is to ſay: the twa pairt to our Soveraine Lordis vſe, quhairof they ſall mak zeirly compt, in his Hienes Checker, and the thrid pairt, to the apprehender of the ſaidis contraveneris of the ſaid Act. And ordainis letters of publication, to be direct heirupon, gif neid beis, in forme as effeiris.

121 *Anent the ſetting of ordour and price on all ſtuffe.*

OVR SOVERAINE LORD, With adviſe of his three Eſtaites, and haill bodie of this preſent Parliament, ratifies, appreuis, and for his Hienes, and his Succeſſours perpetuallie confirmis, the Actes maid be his maiſt Nobill Progenitors, for the ſtancheing of dearth of victualles, and ſetting ordour and price on all ſtuff. And ordainis all Erles, Lordes, Barronnes, alſweil within Regalitie as Royaltie, and their Baillies to Land-wart, and the Proveſtes and Baillies of all Burrowes and Cities, to cauſe the ſaidis acts of Parliament, be put to dew execution, everie ane within their boundes and juriſdiction, *Reſpectiuè*: Makand and conſtituitand them juſtices to that effect, with power to them, to mak and appoint ſtatutes and ordinances, for the ſpeciall obſervation of the ſaidis Actes, at everie head Court zeirly: And to inquire, call, accuſe, and puniſche, the contraveneris of the ſaidis Actes, at the ſaidis head Courtes, vnder the paine of ane hundreth pundes, to bee payed be everie Erle, Lorde, Barronne

alſweil

alsweill within Regalitie as Royaltie and their Baillies. And of the Proveſtes, Aldermen, and Baillies of every Burgh and Cietie, that ſall be found remiſſe and negligent in execution of the ſaidis Actes, for every time that they ſall be dewlie called and convict theirof. And ordanis dittay to be tane heirupon, And the ſaidis Iudges to be called to vnderlie the Law therefoir, outher at generall Iuſtice Aires, or at particular diettes, as it ſal pleaſe the Kingis Majeſtie to command.

122 Horſe ſuld not be halden at the hard meat, bot vntill the 15. day of Maij, *and after the 15. of* October.

FORSAMEIKLE As it is conſidered be our Soveraine Lord, and three Eſtaites of this preſent Parliament, That amangis the monie vthers occaſiones of dearth of Victualles within this Realme, there is ane ſpeciallie very vnprofitable to the commoun-weill, quhilk is, the halding of horſes at hard meat all the Sommer ſeaſon, vſed commounlie be perſones of meane eſtaite, Cowppers, of intention to make merchandiſe of the ſaidis horſes, being for the maiſt pairt ſmall Nagges, and na Horſes of ſervice. Quhairfoir, IT IS ſtatute and ordained, That nane of our Soveraine Lordis Lieges, not being ane Erle, Prelate, Lord, great Baronne, or ony of his Hienes privie Councell, Seſſion, or landed gentil-man, that may ſpend of his awin ane thouſand markes of zeirlie rent, all chairges deduced, ſall hald ony maner of Horſes at hard meat zeirlie, langer nor the fiftene day of *Maij*, nor take them in befoir the fifteene day of *October*, vnder the paine of eſcheitting of the ſaidis Horſes, or paying the availl of them to OVR SOVERAINE LORDIS vſe, And ordanis the tranſgreſſion of this Act to be a point of dittay, And the contraveners, to be accuſed and puniſched at Iuſtice Aires, or particular diettes, as accordis.

123 For execution of the Actes maid againſt ſchuitting with Gunnes at wylde Beaſtes and Fowles.

OVR SOVERAINE LORD, vnderſtanding, that there hes bene divers Actes of Parliament maid of befoir, Anent the ſlaying of Hart, Hynd, Da, Ra, Haires, Cunninges, & vthers beaſtes, with Culverings, Croſbowes, and hand-bowes, And ſpeciallie the Act maid in the Parliament, halden at *Edinburgh* in *December*, the zeir of God, 1567. zeires. Quhilkis Actes hitherto hes tane na effect, and that in default of Magiſtrates, quhilkis were appointed to put the ſame to execution. THEREFOIR his Hienes, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreeved the ſaidis haill Actes, and ſpeciallie the ſaid Act maid in *December*, the zeir of God, 1567. zeires, in all pointes, paſſes, clauſes, and artickles theirof with this addition: That in caſe the Iudge ordinar, within quhais boundes the contravener of this preſent Act beis apprehended, dois not execute the ſamin, ſa oft as dittay ſall be giuen vnto him vpon ony contravener, he ſall pay for the firſt fault the ſumme of ane hundreth pundes, for the

the ſecund fault, twa hundreth pundes, and ay ſa oft as he failzies, ſall double the ſaid paine, to be applyed to OVR SOVERAINE LORDIS vſe. And to the effect, that the Stewardes, Baillies, and all vthers ordinar judges within this Realme, may put the ſaid Act to dew execution: OVR SOVERAINE LORD, with adviſe foirſaid, hes ordaned, & ordainis, the Lordes heritours, or poſſeſſours of the ground, to preſent the contravener of the ſaid Acte, to the ordinar judge, within quhais boundis the ſaid contravener dwellis and makis reſidence: The ſaid heritour or poſſeſſour, being required be the ordinar judge, to do the ſamin, vnder the paine foirſaid, ſa oft as he beis required to that effect, to be applyed to OVR SOVERAINE LORDIS vſe, as ſaid is, with power to the ſaidis ordinar judges, to call & conveene the ſaidis heritoures or poſſeſſoures, refuſand to preſent the ſaidis contraveneres for the ſaidis paines. And gif they be found culpable, to convict them their-intill, and to poynd and diſtrenzie them theirfoir: And to make zeirly compt theirof, to OVR SOVERAINE LORDIS Theſaurer, in his Hienes Checker: Swa that the ſamin may be applyed to his Hienes vſe, as ſaid is. And ordainis ſpeciall letters of publication, to be direct heir-upon, gif neid beis, in forme as affeiris.

124 *Againſt the tranſporting of Nolt and Scheepe and vther cattle foorth of this Realme.*

OVR SOVERAINE LORD, With adviſe of his three Eſtaites, and haill bodie of this preſent Parliament, ratifies, appreuis, and for his Hienes and his Succeſſors, perpetually confirmis, the Actes maid be his Hienes maiſt noble progenitours, againſt the tranſporting of Scheepe, Nolt or vther Cattle foorth of the Realme: And ordainis the ſame to haue full effect and execution in time cumming, with this addition: That it ſalbe leifull to ony of our ſaid SOVERAINE LORDIS Lieges, that happinis to apprehend onie Nolt or Scheepe, zoung or auld driuand, to be tranſported foorth of this Realme, to ſtay the gudes, and to apprehend and keepe the driuers of them, quhill they haue thoilled ane Aſſiſe befoir the juſtice, or his deputes, in the *Tol-buith* of *Edinburgh*, or befoir the Schireffe, Steward, or Baillie of the boundes, quhair they ſall happen to be apprehended, quhom his Hienes makis ordinar juſtices in that pairt, for trying of the contraveneres of this preſent act, and executing of the paine of hanging vpon them, and confiſcation, aſweil of the gudes apprehended, as of the remanẽt their movable gudes: Quhilkis perſones, being found guiltie, ordanis and declaris, the ane halfe of the ſaidis gudes apprehended, and remanent their movable gudes, to be equallie divided betuixt the judge ordinar, and the apprehender for their paines, & the vther halfe of the ſame eſcheit gudes to be in-brocht to our Soveraine Lordis vſe, and compt to be maid of the ſame in the Checker.

125 *Againſt the vnlauchfull taking of profite be Captaines and keepers of the Kingis Caſtles.*

FOR SAMEIKLE, As amangſt ſindry vtheris great diſordours, growen in this eſtait, ſen the Kingis Majeſties Coronation, ane, not of the ſmal-

leſt importance, hes bene the making of merkat of the Kingis Caſtles and ſtrengthes (being the Keyes of the Realme, quharin the Ordinance, Munitiones and jewelles of the Croun ar placed) be ſum, to quhom the cuſtodie and keeping theirof, happened to be committed for the time: Conſtraining his Hienes Regentes, in his tender age, and vtheris hauand his richt and power for the time, to redeeme his awin houſes, Munitions and jewelles at his great charges, and with their Landes, livings, and gudes, to the heavie damnage and intereſt, aſweill of his Majeſtie, as of them, their aires and poſterities. FOR remeid quhairof, and eſchewing the like evill example amangeſt his Hienes Subjectes, to make their vnlauchfull advantage and commoditie be his ſervice in all time cumming. IT IS STATVTE and ordaned, that quha ever hes received onie ſummes of money, landes, benefices, or gudes, outher belangand to his Hienes or his Regentes, and vtheris, havand his richt and power, for the randering and delivering of his Hienes proper Caſtles and ſtrengthes, with his Ordinance, munitiones, and jewelles, being theirein, ſen his Hieneſſe Coronation, or that happenis to make ony ſik contract or merchandice in time cumming, directly or indirectly, ſalbe halden to rander and deliver againe that quhilk they haue received, or ſal happen to receiue, to the behoove of thēſelves, or ony of their aires, or the availl theirof to his Hienes, & his Succeſſoures, being properly his awin, or to his ſaid Regentes, or vthers, havand his Hienes richt and power, their aires and executors, vpon cognition had that the thinges given for the ſaid cauſe, perteined properly vnto them, to be bruiked and joiſed be them, and their aires, in-caſe they be capable theirof, or vtherwaies to be diſponed at their pleaſures. And that his Hienes and they, ſall haue gude action for repetition theirof, as neceſſarilie given be them for the time, to eſchew greater inconvenientes, and zit wrangeouſlie received be the takers, for vnlauchfull cauſes.

126 For puniſhment of the fraudfull mixtion of Wines, be the Taverners and ſellers theirof, and vtheris their abuſes.

FORSAMEIKLE As be ane Act of Parliament maid at *Edinburgh* the firſt day of Februar, The zeir of GOD, M. D. LI. zeires: IT IS ſtatute and ordaned, that na maner of Taverners take vpon hand, to make onie mixtion of onie auld Wines and new Wines, or put ony Water in the ſame, vnder the paine of eſcheiting of the punſcheon, that ſik wine or water ſalbe put into: Togidder with all the reſt of all and ſindrie the Wines, being the awners of ſik a Tauerne, and tinſell of their free-dome for ever. And in like maner, that nane of our SOVERAINE LORDIS Lieges, buieres of Wines to be topped againe, and haveris of Tavernes, take vpon hand to huird or hide ſik wines, coft be them in their houſes and privie places, bot that they put the ſamin in their commoun Tavernes, and voultes theirof, to be ſauld indifferently to our Soveraine Lordis lieges, vpō the prices that ſalbe ſet, maid, & proclaimed their anent, vnder the paines foirſaidis.

Quhilk

Quhilk Act our Soveraine Lord,with aduiſe of his three Eſtaites in this preſent Parliament ratifies and apprievis. Ordaining the ſame to ſtande in force and effect, as a perpetuall Law in time cumming. And for the better execution thereof: makis and conſtitutis the Proveſtes and Baillies of all Burrowes his Hienes Iuſtices in that pairt,with power to them to make ſearcheoures,take inquiſition,and halde Iuſtice Courtes everie monethanis,within ilke Burgh,quhair wine is to be ſauld,vpon the contraveners of the ſaid Act. And as they be found culpable,to execute the ſaides paines vpon them. And incaſe the ſaides Proveſtes & Baillies beis found remiſſe, or negligent theirin, being called and convict thereof, They to incur the paines of tinſell of their freedome, and not to bruike honor nor office within Burgh in onie time thereafter.

128 *Anent the Proclamation of the actes of Parliamente.*

FOR SAMEIKLE, As it is vnderſtand to the Kingis Majeſtie,& three Eſtaites of Parliament,that often-times,doubtes and queſtions ariſis,touching the Proclamation of the Actes of Parliament, and publication thereof: It being ſumtime alledged be the lieges, that they are not bound to obſerue & keepe the ſamin as lawes,nor incur ony paines conteined therein, quhill the ſame be proclamed at the mercat croces of the head Burrowes of all Schires. For remeding of quhilkis doubtes, in time cumming: It is ſtatute and ordaned,be our Soveraine Lord,and Eſtaites of this preſent Parliament: That all actes and ſtatutes of Parliament,maid at this time,and ſal happen to be maid at onie time hereafter ſall be publiſhed and proclamed at the mercat-croce of *Edinburgh* onely. Quhilk publication our Soverain Lord & Eſtaites foirſaidis,decernis and declaris,to be als valiable and ſufficient,as the ſamin were publiſhed at the head burrowes of the haill Schires within this Realme.

And alſwa declaris the haill Lieges,to be bounden and aſtricted to the obedience of the ſaides Actes as Lawes, fourtie daies,after the publication of the ſamin, at the ſaid mercat-croce of *Edinburgh*, being by-paſt.

FINIS.

Ane Table of the particular Actes, and vtheris, maid be King Iames the Sext, in this ſeventh Parliament, 24. of October, 1581. not imprinted.

1 THE laſt pairt of the act anent Miniſters ſtipendes.
2 Commiſſion anent certaine artickles propoſed in Parliament.
3 Commiſſion for reformation of Hoſpitalles.
4 Anent the eſtabliſhing of the Kingis Councell.
5 Ordour how the King ſalbe releaved of importune and vntimous ſuters.
6 Anent the diſchargeing of factories.
7 Anent the taxation of ward landes.
8 Anent debaitable cauſes, betuixt the ſur-names, Gordoun and Forbes.
9 Compromit betuixt the ſaidis parties.
10 Anent the chaunging of the ſurname of William Maxvell appearand of Lammingtoun, in the ſur-name of Bailzie.
11 Act remitting the deciſion of the controverſie betuixt Dundie and Perth, be the remanent Burrowes.
12 Act in fauour of Iohn Carnegie.
13 The erection of the landes of Doun in ane Lord-ſchip.
14 Act in fauour of the Burgh of Aberdene.
15 The chaunge of the aſſumption of the third of the abbacie of Scone.
16 Change of ane pairt of the aſſumption of the 3. of the abbacie of Aberbrothok.
17 Proteſtation of the nobilitie anent the murther of the Kingis Father.
18 Ratification of the faire of Dalkeith.
19 Ratification of the Burgh in Baronny of the toun of Myretoun.
20 Ratification of the Burgh in Baronny of the toun of Portſoy.
21 Ratification of the ſeinzie faire in Saint-Andrewes.
22 Of the faire of Striviling.
23 Of the fair of Aucthterardour.
24 Of the fair at the brig-end of Luntrethin.
25 Of the priviledge of Silk making, granted to Robert Dickſon.
26 Ratification of the commiſſion, given to the Lordes of Seſſion, for taking ordour with the Commiſſars.
27 Ratification granted to Maiſter William Bailzie, Lord Prouand.
28 Revocation of the propertie.
29 Revocation of the caſualities.
30 Revocation of the Collectorie.
31 Ratification of the diſpoſition of the reverſion of the Erledome of Lennox.
32 Ratification to Robert Erle of Orknay.

33 *To* Fraunces, *ſum-time Erle* Bothuell.
34 *To* Iohn, *Erle of* Mortoun.
35 *To* William, *Erle of* Gowry.
36 *To Dame* Margret Leſlie, *Counteſſe of* Angus.
37 *To the Lord* Lindeſay.
38 *To* William Ker *of* Cesfurd.
39 *To* Andrew Ker *of* Faldoun-ſide.
40 *To* Henry Stewart *bis.*
41 *To* Andro Monro *of* Dawachartie.
42 *Item, to* Iennet King.
43 *To* William Moſman.
44 *To* Patrick Creichtoun *of* Lugtoun, *of ſindrie infeſtments.*
45 *Confirmation of the infeſtment of feu-ferme, of the Ile, abbay and manſion of* Saint-Colmes-inche.
46 *Ratification of the abbaice of* Newbottle, *to Maiſter* Marck Ker.
47 *Ratification granted to* Henry Stewart, *of the abbay of* Saint-Colmes-inche.
48 *Item, of the Priorie of* Pluſcarden, *to* Alexander *commendator theirof.*
49 *Item, of the Priorie of* Coldinghame, *to* Alexander *Prior theirof.*
50 *Ratification granted to* Saint Leonards *Colledge in* Saint-Andrewes.

FINIS.

THE AVCHT PARLIAMENT CVRRENT, HALDEN AT EDINBVRGH THE XXII. DAIE OF Maij, THE ZEIR OF GOD, 1584. ZEIRES. Be the richt excellent, richt heich and michtie Prince, IAMES the Sext, be the grace of God, King of SCOTTES, *and three Eſtaites of this Realme.*

129 *Ane act confirming the Kingis Maieſties Royall power over al Eſtaites, and ſubiectes within this Realme.*

FORSAMEIKLE As ſum perſones, being lately called befoir the Kings Majeſtie, & his ſecreit councel: to anſwer vpon certaine points to haue bene inquired of them, concerning ſum treaſonable, ſeditious, and contumelious ſpeaches, vttered by them in Pulpit, ſchooles, & vtherwaies, to the diſdaine & reproch of his Hienes, his Progenitours, and preſent Councel, contemptuouſlie declined the judgement of his Hienes, & his ſaid Councel in that behalfe, to the evill exempill of vtheris to do the like, gif timous remeede be not provided. Therefoir our Soveraine Lord, and his three Eſtaites aſſembled in this preſent Parliament, ratifies, and appreuis, and perpetually confirmis the royal power, & authoritie over al Eſtaites, aſweil Spiritual, as Temporal, with in this Realme, in the perſon of the Kingis Majeſtie, our Soveraine Lord, his aires and ſucceſſours: And als ſtatutis and ordanis, that his Hienes, his ſaidis aires and ſucceſſours, be them ſelues, and their Councelles, ar, and in time to cum ſalbe judges competent to al perſones his Hienes ſubjectes, of quhatſumever eſtaite, degree, function, or condition that ever they be of, Spiritual or Temporal, in al matters, quharin they, or ony of them ſalbe apprehended, ſummound, or charged to anſwer to ſik thinges as ſalbe inquired of them, be our ſaid Soveraine Lord and his Councell. And that nane of them, quhilkis ſall happen to be apprehended, called, or ſummound, to the effect foirſaid, preſume, or tak vpon hand to decline the judgement of his Hienes, his aires and ſucceſſours, or their Councel in the premiſſes, vnder the paine of treaſon.

130 *Anent the authoritie of the three Eſtaites of Parliament.*

THE Kings Majeſtie, conſidering the honour and the authoritie of his ſupreeme court of Parliament, continued paſt all memory of man, vnto thir

thir dayes,as conſtitute vpon the frie votes of the three Eſtaites of this aunci-ent kingdome : Be quhom the ſame vnder God, hes euer bene vphalden, re-bellious and traiterous ſubjectes puniſhed, the gude and faithfull preſerued, and mainteined, and the lawes and actes of Parliament (be quhilkis all men ar governed) maid and eſtabliſhed. And finding the power, dignitie, and au-thoritie of the ſaid Court of Parliament, of lait zeires called in ſum doubt, at leaſt ſum curiouſlie travelling to haue introduced ſum innovation theira-anent, his Majeſties firme-will and mind alwaies being as it is zit: That the honour, authority, and dignitie of his ſaidis three Eſtaites ſall ſtand, and con-tinew in the awin integritie, according to the ancient, and lovabill cuſtome by-gane, without ony alteration, or diminution. Therefoir it is ſtatute, and ordaned, be our ſaid Soveraine Lord, and his ſaidis three Eſtaites, in this preſent Parliament, that nane of his Lieges and ſubjectes preſume, or tak vp-on hand, to impugne the dignitie, and the authoritie of the ſaidis three E-ſtaites, or to ſeek, or procure the innovation, or diminution of the power, and authoritie of the ſame three eſtaites, or ony of them in time cumming, vnder the paine of treaſon.

131 Ane act diſchargeing all iuriſdictions, and iudgements, not approoued be Parliament, and all aſſemblies, and conventiones, without our Soveraine Lordis ſpeciall licence and commandement.

FORSAMEIKLE, as in the troublous times, during thir xxiiij. zeires, by-paſt, ſindrie formes of judgemeuts & juriſdictions, alſweil in Spiritu-all, as Temporal cauſes, ar entred in the practize and cuſtome, quhairby the Kingis Majeſties ſubjectes ar often-times convocat, and aſſembled togidder, and paines aſweil civile and pecunial, as Eccleſiaſticall, injoined vnto them: proceſſes led, and deduced: ſentences, and decreetes given, and the ſame put in execution : Na ſik ordour as zit, being allowed of, and approved be his Majeſtie, & his three Eſtaites in Parliament, contrare the cuſtome obſerved in onie vther Chriſtian Kingdome, or weil governed commoun-weill: And to the diminiſhing of the force, and power of his Hienes awin Lawes, be the quhilkis his Majeſties ſubjectes aucht to be ruled: And ſpeciallie his Hienes & his Eſtaites, conſidering that in the ſaidis aſſemblies, certaine his ſubjectes haue taken vpon them to juſtifie, and auctorize the fact perpetrat againſt his Hienes perſon and eſtate, at *Ruthuen*, and proſecuted thereafter, quhill his Majeſtie at Gods pleaſure, recovered his libertie, hauing in their pretended maner, maid Actes theirupon, keipis the ſame in Regiſter, and as zit ſeemis to allow the ſaid attemptat, althoucht now publicklie condemned be his hienes and Eſtaites as treaſonable, nane of the authors theirof, having craved his Hienes pardon theirfoir. For remeid quhairof, in time cumming, ſua that ac-cording to the lovabill act of his deareſt Grand-fir, King *Iames* the Fourth, of worthie memorie, all his Hienes lieges (being vnder his obeyſance) mon be ruled be his awin Lawes, and the commoun Lawes of this Realme, and be nane vther lawes: Our Soveraine Lord, and his three Eſtaites, in this preſent Parliament, diſchargis al judgements, and juriſdictions, Spiritual or Tempo-

rall

rall, accuſtomed to be vſed and execute, vpon ony of his Hienes ſubjectes, quhilkis ar not approoved be his Hienes, and his ſaidis three Eſtaites, conveened in Parliament: and decernis the ſame to ceaſe in time cumming, quhill the ordour thereof be firſt ſeene, and conſidered be his Hienes, and his ſaidis three Eſtaites conveened in Parliament, and be allowed, and ratified be them: Certifieng them, that ſall proceed in vſing, and exercing of the ſaidis judgements, and juriſdictions, or in obeying of the ſame, not being allowed, and ratified, as ſaid is: They ſalbe repute halden, called, perſewed, and puniſhed as vſurpers, and contemners of his Hienes authoritie, in exemple of vtheris. And als it is ſtatute and ordaned, be our ſaid Soveraine Lord, and his three Eſtaites: that nane of his Hienes ſubjectes, of quhatſumever qualitie, eſtate, or function they be of, Spirituall or Temporall, preſume or tak vpon hand, to convocate, conveene, or aſſemble themſelues togidder, for halding of Councelles, Conventions, or Aſſemblies, to treat, conſult, & determinat in ony matter of Eſtate, Civile or Eccleſiaſticall (except in the ordinar judgements) without his Majeſties ſpeciall commandement, or expreſſe licence had and obteined to that effect, vnder the paines ordaned be the lawes and actes of Parliament, againſt ſik as vnlawfully convocatis the Kingis Lieges.

132 *The cauſes and maner of deprivation of Miniſters.*

OVR Soveraine Lord, and his three Eſtaites, aſſembled in this preſent Parliament, willing that the word of GOD ſalbe preached, and Sacramentes adminiſtrat in puritie and ſinceritie: & that the rentes, quhairon the Miniſters aucht to be ſuſteined, ſal not be poſſeſſed be vnworthie perſones, neglecting to do the dueties, for quhilkis they accepted their benefices, being vtherwaies polluted with the fraill and enorme crimes, and vices after ſpecified. It is therefoir ſtatute, and ordaned be his hienes, with adviſe of the ſaidis three Eſtaites: That all Perſones, Miniſters or Readers, or vtheris provided to benefices, ſen his Hienes Coronation (not having vote in his Hienes Parliament) ſuſpected culpable of hereſie, Papiſtrie, fals and erroneous doctrine, commoun blaſphemie, fornication, commoun drunkennes, nonreſidence, plurality of benefices hauing cure, quhair vnto they are provided ſen the ſaid Coronation, Simonie & dilapidation of the rentes of benefices, contrare the lait Act of Parliament, being lawfully, and ordourly called, tryed, and adjudged culpable, in the vices and cauſes abone written, or onie of them, be the ordinar Biſhope of the dioceſe, or vtheris the Kings Majeſties cõmiſſioners, to be conſtitute in Eccleſiaſtical cauſes, ſalbe deprived alſweil fra their function in the Miniſtrie, as from their benefices, quhilkis ſalbe theirby declared to be vacand, to be preſented and conferred of new, as gif the perſones poſſeſſors theirof, were naturally dead: And that it ſall be eſteemed, and judged non-reſidence, quhair the perſon being in the function of the Miniſtry, provided to ane benefice, ſen the Kings Majeſties Coronation makis not reſidence at his manſe, gif he ony hes: And failzeing theirof, at ſum vther dwelling place within the Parochin, bot remainis abſent theirfra, and from his Kirk, and vſing of his office, be the ſpace of four Sabboth dayes in the haill zeir, without lauchfull cauſe and impediment, allowed be his ordinar

dinar. And quhair onie perſon, is admitted to maa benefices, hauand cure, ſen our Soveraine Lordis Coronation, the acceptation of the laſt, ſalbe ſufficient cauſe of deprivation from the remanent, ſwa that he be provided to twa, or maa benefices hauand cure, ſen the time of the ſaid Coronation. And nevertheleſſe this preſent Act ſall not extend to ony perſon, provided to his benefice befoir the ſaid Coronation, neither ſal the bruiking of that office, quhairvnto he was provided of befoir, induce pluralitie of benefices in this caſe, bot he ſal allanerly tine his richt of the benefice, quhairunto he was provided ſen the ſaid Coronation allanerly: And vnion of Kirks to ane benefice, not to be judged pluralitie, quhil farder ordour be eſtabliſhed and provided in that behalfe: Like as alſwa, the perſones being in the function of the Miniſtrie, that ſall happen to be lawfullie and ordourly convict befoir our Soveraine Lordis juſtice generall, or vtheris their judges competent, of capitall crimes, ſik as treaſon, ſlauchter, mutilation, adulterie, inceſt, thieft, commoun oppreſſion, vſurie againſt the lawes of this Realme, perjurie, or falſed: They being likewaies lawfullie and ordourlie deprived fra their function in the Miniſtrie, be their ordinar, or the Kingis commiſſioners in Eccleſiaſtical cauſes. The benefices poſſeſſed be the ſaidis perſones to vaik, be reaſon of the ſaid conviction, and deprivation. And this to haue effect and execution, onlie for crimes, vices, faultes, & offenſes, that ſal happen to be committed after the dait heirof.

133 That Miniſters ſall not be Iudges, nor exerce ony vther ordinar office that may abſtract them fra their office.

THE Kingis Majeſtie, and his three Eſtaites aſſembled in this preſent Parliament, earneſtly deſirous, that all his loving and gude ſubjectes, ſall be faithfullie inſtructed in the doctrine of their ſalvation, and that the Miniſters of Gods word and Sacraments, may the better, and mair diligently attend vpon their awin charges and vocation: Therefoir ſtatutis, & ordanis, that all the ſaidis Miniſters, ſal faithfullie await there-upon, to the comfort, and edification of the flockes committed vnto them: And that none of them preſently being in that function, or that ſalbe admitted theirto, in time cumming, ſall in ony waies accept, vſe, or adminiſtrat ony place of judicature, in quhatſumever civil, or criminal cauſes, nocht to be of the Colledge of juſtice Cõmiſſioners, Advocates, court Clerkes, or Notaris in ony matters (the making of Teſtamentes onely excepted) vnder the paine of depriuation fra their benefices, livinges, and function: And gif they failzie heirin, being called, tryed, and adjudged culpable, be their ordinars, or be the Kings Majeſties Commiſſioners in Eccleſiaſticall cauſes: They ſall then tine their ſaidis benefices and livinges, and vthers qualified perſones, ſalbe preſented, and provided thereto, as gif they wer naturallie dead.

134 Anent ſlanderers of the King, his progenitours, Eſtait and Realme.

FORSAMEIKLE, as it is vnderſtand, to our Soveraine Lord, and his three Eſtaites aſſembled in this preſent Parliament, quhat great harme,

and

and inconvenient hes fallen in this Realme, chiefly ſen the beginning of the civile troubles, occurred in the time of his Hienes minoritie, throw the wicked and licencious publick and private ſpeaches, and vntrew calumnies of divers his ſubjectes, to the diſdaine, contempt and reproch of his Majeſty, his Councel, and proceedings, and to the diſhonour & prejudice of his Hienes, his Parents, Progenitours, and Eſtate: Steiring vp his Hienes ſubjectes theirby to miſliking, ſedition, vnquietnes, and to caſt of their dew obedience to his Majeſtie, to their evident perrell, tinſell, and deſtruction, his Hienes continuing alwaies in loue and clemencie, toward al his gude ſubjectes, & maiſt willing to ſeek the ſafetie and preſervation of them all, quhilkis wilfully, needles, & vpon plaine malice, after his hienes mercy and pardon, oft-times afoir granted, hes procured themſelues, be their treaſonable deeds to be cut off, as corrept members of this commoun weil: Therefore it is ſtatute and ordaned be our Soveraine Lord, and his three Eſtaites, in this preſent Parliament, that nane of his ſubjectes (of quhatſum-ever function, degree, or qualities in time cumming) ſall preſume or take vpon hand privatly, or publickly, in Sermones, Declamationes, or familiar conferences, to vtter ony falſe, ſlanderous, or vntrew ſpeaches, to the diſdaine, reproche, and contempt of his Majeſty, his Councel, & proceedings, or to the diſhonour, hurt, or prejudice of his Hienes, his Parents, and Progenitoures, or to meddle in the affaires of his Hienes, and his Eſtaite preſent, by-gane, and in time cumming, vnder the paines conteined in the Actes of Parliament, againſt makers and tellers of leeſinges: Certifieng them that ſall be tryed contraveners theirof, or that hearis ſik ſlanderous ſpeaches, and reportes not the ſame with diligence, the ſaid paine ſal be execute againſt them, with all rigour, in exemple of vtheris. Attoure, becauſe it is vnderſtand to his Hienes, and to his three Eſtaites, that the buikes of the Chronicle, and *De iure regni apud Scotos*, made be vmquhile, Maiſter GEORGE BVCHANNANE, and imprinted ſenſine, conteinis ſindrie offenſiue matters, worthie to be deleete: IT IS THEIRFORE ſtatute and ordaned, that the hauers of the ſaidis twa volumes in their handes, inbring, and deliver the ſame to my Lord Secretare, or his deputes, within fourtie dayes, after the publication hereof, to the effect, that the ſaidis volumes may bee peruſed, and purged of the offenſiue, and extraordinarie matters ſpecified theirin, not meete to remaine as Recordes of trueth to the poſteritie, vnder the paine of twa hundreth pundes, of everie perſon failzieng heirin. And quhair ony ar not reſponſall to pay the ſaid ſumme, to be puniſhed in their perſones, at OVR SOVERAINE LORDIS will. And to the effect, that this ordinance may cum to the knawledge of all OVR SOVERAINE LORDIS Lieges, ordanis publication to be maid theirof, at the mercat-croce of the head Burrowes of the Schires, and vtheris places needefull, That nane pretend ignorance theirof: And the penaltie conteined theirin, to be executed withal rigour againſt the havers of the ſaidis buikes, the ſaid ſpace of fourty dayes being by-paſt, after the publication, and proclamation of the ſaid Act in every Schire, as ſaid is.

135 *Againſt reduction of fore-faltours for nullitie of proces, and that nane travell, nor giue counſell to that effect, without ſpeciall warrand of the Kingis Maieſtie, and Eſtaites in Parliament.*

THE Kingis Majeſtie remembring of the mony rebellious and treaſonable deedes, perpetrated againſt his Majeſtie, and his maiſt Noble Progenitours, with the greater audacitie and contempt: For that they haue foũd the fore-faltours led againſt ſum perſones, authors of the like treaſones of befoir, reduced, and taken away in the minorities of his hienes, and of the Queene his deareſt Mother, vpon the pretenſe of ſum alleged nullities, found in the proceſſes, the principal cauſes and crimes, for quhilkis the ſame perſones were fore-falted, not being purged. For remeid of the quhilk abuſe, and that all men may the rather eſchew to incur the feareful ſpot of treaſon to them-ſelues, their houſes, and poſteritie in time cumming.

IT IS ſtatute and ordaned be our Soveraine Lord, and his three Eſtaites, in this preſent Parliament, that no proceſſes of fore-faltour for treaſon committed againſt the King, and his eſtate alreadie ſtandand in force, or that ſall happen to be deduced againſt ony perſones, for crimes of Leſe-majeſtie, in time cumming, ſal at ony time hereafter be reduced for ony pretended cauſe of nullitie, that may be alledged to be in the proceſſe: Quhill firſt the cauſe and crime, for the quhilk the fore-faltour was led, be freelie remitted to him be OVR SOVERAINE LORD: Or that he be purged effectually, and the partie tried, and found acquite theirof. Bot in caſe it ſall pleaſe his hienes, or his Succeſſours, at ony time hereafter, to reſtore to ony fore-falted perſones, or their poſteritie: that ſall onely be granted to them be way of grace: And that na Advocates, writers, or vtheris his Hienes lieges preſume, or tak vpon hand to trauell, ſolliſt, or giue counſell incontrare the ordour appoynted in this preſent Act, without ſpeciall warrand of his Hienes, and his three Eſtaites in Parliament, vnder the paine to be repute as favourers, & partakers with traitours: And to vnderly the paine and puniſhment dew theirfoir.

136 *Remiſsion and reſpettes ſuld not be granted for ſlauchter and vther odious crimes: Remiſsion ſuld conteine ſatisfaction maid be the partie.*

THE Kings Majeſtie conſidering that ſlauchters, fire-raiſings, and vthers odious crimes, hes bene ſa commounly committed, throw all partes of this Realme, and a great part of the occaſion theirof ſuppoſed to be the ready granting of his Hienes reſpettes, and remiſſiones to the committers theirof, vpon in-opportune ſuittes, maid to his Majeſtie theirfoir: His Hienes remembring how greevous ſik ſlaughters, fire-raiſinges, and vtheris odious crimes ar in Gods ſight, and how offenſiue to the Eſtate of the commoun weill of his Realme, follow and the gude and lovable example of his maiſt Noble Progenitours in like caſe, at the inſtant requeſt of his three Eſtaites, aſſembled in this preſent Parliament: And for the better eſchewing of treſpaſſes

paſſes, and enormities the ſafetie of his Lieges, and common profite of his Realme, of his ſpeciall grace, and fauour, hes granted, and in the worde of a King promitted to cloſe his hands, and ceaſe fra granting of onie reſpettes, or remiſſiones, for ony maner of ſlauchteres, fire-raſing, or ony vther odious crimes, that ſall happen to be committed, for the ſpace of three zeires nixtocum, after the dait hereof: That in the meane time his Realme may be put in peace and rule, and his Lieges liue in ſuretie. And gif ony remiſſiones beis given or granted for auld actiones, that it ſall be exprimed and provided in the ſame: that the treſpaſſe wes committed before this preſent Parliament, and that his Hienes and his Theſaurer, hes ſene quhair the partie is aſſithed: and gif the contrare beis found, the remiſſion or reſpet to be of nane availe.

137 *An act touching the proviſion to his Hienes of a Guarde, and ſure payment of their ordinar wages.*

THE Kingis Majeſtie, and his three Eſtaites, conveened in this preſent Parliament, having conſidered how neceſſare it is to haue a reaſonable number of gentill-men to attend continuallie vpon his Hienes perſon, as his guarde, hes thocht the number of fourtie perſones meet to be elected, & interteined for that effect, able, honeſt, and weill horſſed, & hauing ſum reaſonable liuinges of their awin: Quhilkis being ſworne, and admitted in his Hienes ſervice, ſalbe vnremoueable theirfra, during their life-times, without vpon worthie and great cauſſes, they ſall be juſtlie depriued. Everie ane of quhilkes fourtie perſones ſall haue twa hundreth poundes zeirlie, for their interteinement, thankfullie payed to them at twa termes in the zeir, Whitſonday, and Martine-mes in winter, be equal portiones.

Beginnand the firſt termes payment, at the feaſt of Martine-mes nixtocum, in this inſtant zeir of God, ane thouſand, fiue hũdreth, fourſcoir four zeiris. And for ſuir payment of their ſaidis wages, and interteinement, that they ſal not in defalt theirof be compelled to neglect, or leaue his Hienes ſeruice, or his Majeſtie to be fruſtrat, and deſtitute of the ſamin, his Hienes nawaies willing to lay the burding of their ſaid interteinement vpon his people, be ony taxation, or impoſition to be raiſed vpon them, quhairof he is maiſt willing to eaſe and releeue them, bot to provide the ſaid interteinement vtherwiſe. Theirfoir with adviſe of his ſaidis three Eſtaites decernis, and declairis ſtatutis, and ordainis, That of all the Prelacies, and vtheris inferiour benefices within this Realme (laïck patronages excepted) now vakand, or that heirafter ſall happen to vaik, his Majeſtie and his ſucceſſoures ſall haue the firſt zeires fructes, after the deceaſe, foirfaltour or depriuation of the laſt poſſeſſour, according as the ſame Benefice ſal be valued in his Hienes Checker, be the auditoures theirof. To quhome, or ony fiue of them, his Hienes giuis and grantis full power, commiſſion & authoritie, to mak and ſet the extent and value of all the benefices ſmall and greate within this Realme in money, according to the quhilk the ſaid firſt zeires fructes ſall be payed. And that the haill zeir after the vacance be expyred, or then the firſt zeires fruites inſtantly payed befoir ony gift, prouiſion or preſentation of the benefice bee granted. And als decernis, declairis, ſtatutis and ordainis, That of euery be-

nefice, valued to ane thousand punds be zeir, now vaikand or that sal happen to vaik heirafter, his Majestie and his successoures sall haue freelie payed to them zeirlie twa hundreth pundes, beside the ordinar thrid, at the termes of *Whit-sunday* and *Martine-mes*, be equall portiones. And swa proportionally of every benefice, alsweil abone as beneath the said value of ane thousand pundes. And befoir onie persone nominate to quhatsumever benefice hereafter sall haue his presentation expedde & past the Register or seales, hee sall finde gude suretie for payment, alsweill of the first zeires fructes, as of the summe dew to be payed be him zeirlie, to his Hienes and his Thesaurer, in his Majesties name, to his vse, and effect abone specified. And during the haill space of the vacance of the saidis benefices, the said Thesaurer to intromet, and vptake the haill rentes, fructes, profites and dewties theirof. Bot because the said first zeires fructes of the benefices presently vacand, and summes appoynted to be payed furth of the same zeirly, will not serue nor extend presently to the payment of the wages of his Hienes guard, his Majestie and his Estaites, considering of the nixt best helpe and prouision, & vnderstanding that the Conuentes of the Abbayes, Priories, & Nunries, quhilkis of auld wer ordained & accustomat to be susteined vpon the rentes and fructes theirof, ar for the maist part departed this life, sen the zeir of God ane thousād, fiue hundreth, three-score zeires. Nane or few vtheris presented be his Majestie, being entred in their places, bot their portiones be their deathes accressing to the Abbotes, Priores, Commendatares or possessoures of the saides Abbayes, Priories, and Nunries, be na Law, or constitution, zit established be his hienes and his saidis Estaites. It is theirfoir found, declaired, statute and ordained be his Hienes, and his saidis three Estaites, That as the presentationes, giftes, and dispositiones of his saides prelacies perteinis to his Majestie be the richt, and priuiledge of his Crown: Swa hes he gud richt & interest to craue, receiue, intromet, & vptak all the portiones of the persones of the Conuentes of the saidis Abbayes, Priories & Nunries that hes deceased, sen the said zeir of God, ane thousand, fiue hundreth, threscoir zeires. Or sal happen to decease heirafter, quhil the same Abbayes, Priories, and Nunries sall vaike and becum fullie in his Hienes handes, and dispositiō, be decease, forefaltour, or lawful deprivatiō of the present possessors theirof. And that his Majestie, and his Thesaurer in his name, hes, and sall haue gud action be law to craue, receiue, intromet, and vptak the portions of the persones of the saidis Cōuentes alreadie deceassed, as said is, of the crop, & zeir of God, ane thousand, fiue hundreth, fourscoir thre zeires last by past, and in time cumming, quhill the saidis benefices sall happen to vaik, siklike as the saidis persones micht haue done them selves being on life, and that the lords of councel & sessiō, or checker, direct sik letteris at the instāce of the said L. Thesaurer, for answering & obeying to him of the portiōs of the saidis persōs deceased, as is grāted for paimēt of the *superplus* of the thrids of benefices.

138 Ane Act anent slauchter, and troubling maid be parties in persute, and defense of their actiones.

OVR SOVERAINE LORD with advise, & consent of his Hienes three Estaits of this presēt Parliamēt, hes ratified, & appreeued & be the tenour

tenour hereof, ratifies and appreuis the Act and ſtatute vnder writtin: and decernis and declaris the ſame, to haue ſtrength, force and effect, of ane acte of Parliament, of the quhilk the tenour followis. At *Edinburgh* the penult day of Maij, the zeir of God, and thouſand fiue hundreth four ſcoir three zeires. The quhilk day, in preſence of the Kingis Majeſtie, ſittand in judgement, and Lordes of his Hienes Councell and Seſſion, compeired Maiſter *David Makgill* of *Niſbet*, Advocate to his Majeſtie, and in the name of his Hienes maiſt faithfull, humble, and obedient ſubjectes, exponed and declared, how in the Parliament halden at *Edinburgh*, the xx. day of Iunij, the zeir of God 1555. zeires, be his Majeſties vmquhile deareſt Gud-dame, *Marie* Queene Dowrier, & Regent of this realme for the time: Ane ordinance & Act of Parliament was maid, anent the ſlauchter of parties in perſute and defence of their actiones: Quhilk Act, althoucht in the ſelfe maiſt profitable and neceſſarie, to haue bene ane perpetual law in al times thereafter, for repreſſing of proud & vndantoned braggares, boaſters, and oppreſſours of their parties: Zit was the ſame only temporall, for the ſpace of three zeires, after the making thereof: Quhilk act, the ſaid Advocate, in name, and for the cauſes foirſaidis, deſired to be renewed and eſtabliſhed in ane perpetual law in al times cumming, with the augmentationes following. Vpon the quhilk deſire, our Soveraine Lord, willing to follow the gude exemple and intention of his predeceſſores, for the reverence and increaſe of juſtice, and aſſurance of the parties in perſute, & defenſe of their actiones, and executiones of the ſame, hes with adviſe of the ſaidis Lordes of his Councell and Seſſion, ordaned, decerned, and declared, that fra this day foorth, in all times cumming, gif it ſall happen either the defender or perſewer, to ſlay, or wound, to the effuſion of blude, or vtherwaies to invade ane of them ane vther in ony ſort, quhair upon they may be criminally accuſed, after the raiſing of ſummounds or precepts, and lawful execution theirof, or in ony time befoir the complete execution of the decreet to be given there-upon: The committer of the ſlaucher, blude, or invaſion, in maner foreſaid, or being airt, pairt, red or counſell thereof: gif it be the defender, ſall be condemned at the inſtance of the perſewer, or in-caſe of his deceaſe, of the neareſt of the kin of him quha is ſlaine, wounded to the effuſion of his blude, or invaded, havand richt thereto, without ony probation of the libell perſewed, except ſummar cognition to be tane of the ſlauchter, blude-ſhed, or invaſion, before the juſtice, or vther criminall judge, competent thereto, be conviction, or beand fugitiue and put to the horne. And gif the decreete be given, the ſame to be vnreduceable for ever. And gif the perſewer ſlay, wound to the effuſion of blude, or invade the defender, as it is aboue written: Or be airt, pairt, red, or counſel thereof, cognition being tane, as ſaid is, in that caſe the defender, or in caſe of his deceaſe, the neareſt of his kin, able to ſucceede in that richt, ſall haue abſoluitour fra the libel of the perſewer *ſimpliciter*, againſt the quhilk the perſewer, nor na vther be his richt, ſall ever be heard be way of reduction or reſtitution *in integrum*, in ony time thereafter, quhat age, condition, or qualitie that ever the ſlayer, drawer of the blude, or invader foreſaid be of, The proces of transferring in the cauſes aboue written

pectiuè, to be vpon ane fifteene daies warning, but diet, table, or continuation of vtheris ſummondes. And gif the ſlaier, ſchedder of blude, or invader, as ſaid is, hes landes or life-rentes, and beis denunced rebell, and put to the horne, for non fin-ding of ſouertie, or non-comperance to vnderly the Law, for the ſaid ſlauchter, blude-ſched, or invaſion, In that caſe the ſlayer, ſchedder of blude, or invader, incontinent after the denunciatioun ſall tyne the lyfe-rent of his landes, benefice, office, and vtheris rentes, and commodities quhatſumever for his lyfe-time, without ony farder delay of zeir, and day, as in vther cauſſes of tinſel of lyfe-rentes, through being zeir and daye at the horne.

Attour our Soveraine Lord, be the faith, and duetie of ane Chriſtiane Prince, promiſis to giue na reſpett, nor remiſſion to the offendares in ſik cauſes. And gif his Majeſtie or his ſucceſſours dois in the contrare, (as is not beleeued) the vſing of the ſaid reſpett, or remiſſion be ony of the parties, perſewer, or defender, ſalbe the like cauſe, & of the ſamin effect, as their conuiction, for the cauſe abone ſpecified, And this act and ordinance to indure for the ſpace of ſeuen zeires immediatlie heirafter. And to be confirmed in his Hienes nixt Parliament, to haue the ſtrenth, and effect of ane act theirof, and to be obſerued, as ane perpetuall law, in time cumming.

139 *Ane Act anent the better execution of Decreetes.*

OVR SOVERAINE LORD, with adviſe and conſent of his Hienes three Eſtaites of this preſent Parliament, hes ratified, and appreued, and be the tenour heirof ratifies and appreuis the act and ſtatute vnder writtен, & decernis, and declairis the ſamin to haue the ſtrenth, force, & effect of ane Act of Parliament, Of the quhilk the tenour followes. At *Edinburgh* the twentie three day of *Marche* The zeir of God ane thouſand, fiue hundreth, fourſcoir twa zeires. The quhilk day in preſence of the Kinges Majeſtie ſittand in judgement, and Lordes of his Hienes Councel, and Seſſion compeired maiſter *David Makgil* of *Nisbet*, & in his awne name, as Aduocat to his Majeſtie, and in name of his Hienes maiſt faithfull, humble, and obedient ſubjectes of his Realme, exponed, and declaired, how it was heauelie meaned be his Majeſties ſaides ſubjectes, that after the tedious, chargeable, and langſum perſute in obtening of their decreetes, the malice of perſones had daylie ſwa increſced, be making of ſimulat, and fals aſſignationes, of their moueable gudes, fraudfull and priuate alienationes of their poſſeſſiones, landes, and heritages, That the execution of all decreetes giuen be quhatſumeuer Iudges, within this his Hienes Realme, althocht obteined be maiſt langſum proces, wer altogidder fruſtrat, at leaſt ſwa delayed, that parties war in na better caſe, after the obteining of the ſaides decreetes, nor gif the ſamin had not bene giuen, the ſaides manifeſt fraudes, and daylie invented colluſiones, being the ſtay of Iuſtice, quhairof the principall parte ſtands in execution.

For remeid of the ſame, cõſideration being tane be his M. with adviſe of the Lords of his hienes councel & ſeſſion, to quhom be his Maieſties maiſt noble Progeni-

Progenitors, King IAMES the Fifth of gude memory, erecter of the Colledge of iuſtice, with conſent of Parliament, the concluding vpon rules, ſtatutes, and ordinances, for expedition of iuſtice was committed. Therefoir his hienes, with aduiſe and conſent fore-ſaid, hes ſtatute and ordaned, that for execution of all decreetes, aſweill given be the ſaidis Lordes, in ony time bygane, as to be giuen in time cumming: And ſik-like of decreetes given, or to be given, be quhatſumever iudges within his Majeſties realme, quhair-unto the authoritie of the ſaidis Lordes of Seſſion hes bene, or ſall happen to be interponed. That letters aſweill of horning, as poynding, the ane nocht prejudiciall to the vther, ſall be directed at the will and pleaſure of the partie obteiner of the decreet, quhidder the ſame be given vpon liquidate ſummes, or that the execution theirof vtherwaies cõſiſt *in facto*. And that na ſuſpenſion be granted vpon the execution of the ſaidis decreetes, without reall offer be firſt maid to the partie, in quhais fauoures the execution of the ſaidis decreets is directed, and the parties refuſis, ſufficiently verefied to the ſaidis Lordes, conſignation alwaies being maid, as vſe is: And that according to their late ſtatute and ordinance, quhilk his Majeſtie, with all vtheris their ſtatutes and ordinances maid for expedition, and execution of iuſtice, ratifted, and appreeued. Providing alwaies, that conſideration be had vpon the ſpace and dayes of the charges, and that according to the diſtance of the defenders dwelling places, and the quantitie of the ſummes conteined in the ſaidis decreetes.

140 *Addition to the Actes maid of befoir, anent the cumming to Courtes, and compering at the Barre, in ſober maner, in perſute and defence of criminall cauſes.*

OVR Soueraine Lord, and his three Eſtaites, conveened in this preſent Parliament, ratifies, and appreuis, and for his Hieneſſe and his Succeſſoures, perpetually confirmis the Act maid be King IAMES the Second, of worthie memorie, Intitulate: That na man cum to Courtes, bot in ſober waies: As alſo the vther Act, maid in the Regiment of his deareſt Gud-dame MARIE, Queene Dowrier and Regent of this Realme, anent the cumming to the Barre for perſute, and defenſe in criminall cauſes, and ordainis the ſaidis actes to be inviolable keeped, and to be put to execution in time cumming, with this addition; That nane of his Hieneſſe Subjectes repaire to Courtes, & in ſpeciall, to his Hienes iuſtice Court, or vtheris Iuſtices quhatſumever, for criminal cauſes, bot be ſik number & cõpany, as the ſaidis actes providis, vnder the paine of incurring of the crime of convocation of our ſoveraine Lordis lieges, to be execute aſweil vpon the perſones, quha ſal happen to make the ſaid convocation, or quha ſall be conuocate, with all rigour. And further, for reformation of the troubles & tumultes, quhilkis hes fallen out, and continuallie growis be the aſſembling of our Soveraine Lordis lieges, to fortifie and aſſiſt, the perſute and defence of criminall cauſes, mooued befoir our Soveraine Lordis iuſtice, quhair-upon great inconvenientes hes followed, to the contempt of iuſtice, hinder of the courſe of the commoun Law, and puniſhment of offences. IT IS ſtatute and ordaned, that in all

time cumming, quhen onie letters ſall happen to be direct for onie crime or offenſe to ane particular diet, that the pairtie raiſers, and purcheſſares theirof, at the finding of their caution, report the letters dewlie execute and indorſat at the day appoynted, ſall alſo finde caution to the Iuſtice Clarke, and his deputes acted in the buikes of adjornall, That they ſall not enter within the Tolbuith or place, quhair the ſaide juſtice court ſalbe halden, bot accumpanied with the number of perſones ſpecified in the former Act of Parliament maid thair anent, comptand theirin their preloquutores, quha allanerlie ſall remaine with them to their departing furth of the place of Iuſtice, vnder the like paine, quhilk they wald & ſuld haue in-curred, in-caſe the ſaidis letteris had nocht bene reported at the day dewlie execute and indorſat. And ſik-like, that the ſaidis letters to be raiſed to particular diettes, for cauſes criminal, beare this clauſe: Commanding the officiar to charge the perſones delated and compleened vpon, to finde ſikker ſouertie to the ſaid officiar executor, within ſaxe dayes nixt after they be charged, that they ſall compeir the day and place cõteined in the ſaidis letters, accompanied in ſober maner, with their domeſticque and houſhald ſervandes. And that in the toun of the reſorte of the ſaid juſtice, they ſall behaue themſelues in quiet maner, onely accompanied, as ſaid is: And enter in the Tol-buith, or place quhair juſtice ſalbe halden, accompanied with the number of perſones allanerly ſpecified in the former Act of Parliament, comptand thercin, three preloquutores, quha ſall onely remaine with them in the ſaid Tolbuith, or place quhair juſtice ſalbe halden, quhill the Court be ended. Quhilk ſoverty ſalbe taken vnder this condition: That gif the partie defender, vther waies compeir or preſent himſelfe in the place of juſtice, and be found with ony greater number, nor is before ſpecified, their ſouerties ſalbe vnlawed, as gif they had compeired: And the parties defenders, quha hes found the ſaid ſouertie, ſalbe adjudged fugitiue fra the Law, and put to the horne, and their eſcheit in-brocht, be reaſon of the exceſſe of the ſaid number, in the ſamin maner, as gif they had not compeired. And ſik-like, quhatſum-euer perſones ſal be found in the ſaid Tol-buith, or place, quhair juſtice ſalbe halden, the juſtice and his deputes for the time, ſall make record in the buikes of adjornall of their preſence, in company with ony of the pairties, attour the ſaide number appoynted. And immediatly thereafter, ſall direct his precepts to denunce the ſaidis perſones rebelles, and put them to the horne, and ordeine their movable guddes to be eſcheited and in-brocht to OVR SOVERAINE LORDIS vſe, for their contemption. And als it is ſtatute & ordaned, that in all the premiſſes, the denuntiationes to be maid at the mercat-croce of the head Burgh of the ſhire, quhair the ſaid juſtice court ſalbe haldē allanerly. And the proceſſe of horning regiſtrat in the buikes of adjornall, ſalbe als ſufficient, as gif the ſaid denuntiation were maid at the mercat croce of the head Burgh, and as gif the ſaid proces of horning were regiſtrat in the Schireffes buikes of the Schire, quhair the perſones denunced dwellis: Notwithſtanding the Act maid of befoir, anent the regiſtration of horning, in the Parliament halden at *Edinburgh*, the xxiiij. day of *October*. 1579.

141 *Anent the gage and ſtandard of Salmond, Herring and quhite-fiſh, and principall ſtaples theirof.*

ITEM, OVR SOVERAINE LORD, with adviſe of the three Eſtaites of this preſent Parliament, ratifies and apprevis, all and ſindrie Actes and ſtatutes maid be his Hienes, and his predeceſſoures, concerning the meaſure of Salmond, Herring, and quhite-fiſhe: gageing, burning, and meaſuring thereof. And to the effect the ſaidis Actes may be the better keeped, and for eſchewing of defraud of the ſaidis meaſures, and of falſe and vniuſt packing of Salmond, Herring, and quhite-fiſh, quhilk is meikle vſed be vn-freemen, fiſhers and vtheris ſlayers of the ſaid fiſh, to the great hurt of the free-men, burgeſſes and merchandes, and haill commoun weill of this Realme. Therefore it is ſtatute and ordaned, that there be ane iuſt meaſure and ſtandard for the ſalmound, maid be the Burrowes, conforme to the auld Actes of Parliament, and the ſamin to remaine at the Burgh of *Aberdene*. And ſik-like, that there be ane iuſt ſtandard and meaſure for Herring and quhite-fiſh, quhilk ſalbe burnt, and remaine in the keeping of the Proveſt and Baillies of *Edinburgh*. And that all Salmond trees, herring trees, and quhit-fiſh trees, vniverſallie throw this realme, ſalbe of the gage & meaſure fore-ſaid. And that ilk Burgh ſal receiue ane patrone & meaſure of the gage foreſaid, & ſal cauſe the Coupperes within their bounds, mak their trees cõforme to the ſaid meaſure, and the ſame to be burnt be the toun iron, and Couppers iron on baith the endes, and vpon the ſteppe, beſide the bung. And in-caſe ony Salmond, Herring, or quhite-fiſh, be packed in vtheris trees, nor of the iuſt gage foreſaid, burnt and marked, as ſaid is, the ſamin ſall be eſcheit to our Soveraine Lord. And ordanis the principall ſtaple of Salmond fra *Dee* north, to be at the Burghes of *Aberdene* & *Elgine*: and the principal ſtaple of herring, and quhite-fiſh, ſlaine be the inhabitantes within the water of *Forth*, to be in *Leith*, within the priuiledge and freedome of the Burgh of *Edinburgh*, and within the port & haven of *Carraill*. And the ſtaple of Salmond, herring and quhite-fiſh, ſlaine be north *Fiffiſ-Nes*, to the water of *Dee*, to be at *Dundie*, or *Perth*. And that the ſaidis Proueſt and Baillies of *Edinburgh*, *Aberdene*, *Carraill*, *Elgine*, *Perth*, and *Dundie*, ſall appoynt ane diſcreet man to be viſitour, wracker, gager, and burner of the ſaidis trees, and appoynt to him ane reaſonable dutie of ilke laſt thereof, for his laboures. That al vnfree-men, fiſchers, and ſlayers of herring and quhite-fiſhe, dwelland within the boundes of the water of *Forth*, on baith the ſides, to the water mouth of *Tay*, bring their herring & quhite-fiſh to be ſlaine be them in time cumming, to the portes of *Leith* or *Carraill*, and at Weſt-ſide, to *Aire*, and *Dunbertane*, dividand the boundes betuixt at the *Clochſtane*: there to be gaged, marked, and ſauld to the free Burgeſſes of this Realme. And that na fiſhers, or vtheris vnfree-men, ſel their ſaid herring, and quhite-fiſh to ony ſtrangers or vnfree-men, or carrie the ſamin furth of this Realme to ony vther cuntries, to be ſauld be them ſelues, vnder the paine of eſcheiting of all their moueable guddes: The ane halfe to our Soveraine Lordis vſe, and the vther halfe to the Burrowes, quha ſall convict them, be vertew of their Commiſſiones.

142 *For explication of the Act maid befoir, for puniſhment to rebelles, contempnandly remainand at the Horne.*

FORSAMEIKLE as in the Parliament halden at *Edinburgh*, the xx. day of *October*, the zeir of God, 1579 zeires: There was ane ſtatute maid for puniſhment of Rebelles, contemnandly remainand at the horne: In the quhilk it was ordaned, that all horninges execute before the dait of the ſaid Act, within xv. dayes after the publication thereof, and all hornings to be execute thereafter, within xv. daies after the denuntiation, ſuld be deuly regiſtred in the Schireffe Clerkes buikes of the Schiref-dome, quhair the ſaid denunciation is maid, marked and ſigned be the Schireffe Clerk, and delivered againe to the partie, with expreſſe proviſion conteined in the ſaid Act, that hornings not regiſtrat, after the forme and tenour theirof, ſuld make na faith, nor be of ony force nor effect, as the ſaid Act at mair length proportis. Be the generalitie quhairof, ſindrie doubtes arriſand: It was proponed, to our ſaid Soveraine Lord, and deſired to be declared, be his three Eſtaites in Parliament, gif the proviſion of nullitie of horning theirin conteined, for none-regiſtration theirof, according to the forme preſcribed in the ſaid firſt Act, ſuld haue place in horninges, execute at the inſtance of ane perſon deceaſed lang before the making of the ſaid Act, quhair the perſon denunced was alſua departed this life, before the making of the ſame: The purcheſſer of the letters of Horning beand donatour to the eſcheit, and the gift of the ſaid eſcheit, having taken full effect in the donatoures perſon lang of before, and there-throw the donatour, and the purcheſſer of the letters, being ſatiſfied of his debt, and the rebell puniſhed, and departed this life, before the ſaid ſtatute, quhilk culd na waies be extended to the perſones quhilkis were deceaſed, before the making thereof, and quhilkis were puniſhed for their ſaid rebellion. The Kingis Majeſty, with the adviſe of the ſaidis three Eſtaites of Parliament, beand ripelie adviſed therewith, hes declared and declaris, that the ſaid Act of Parliament, is not, nor ſall not be hereafter extended to ſik horninges, as were execute at the inſtance of ony perſon departed this life, before the dait thereof, againſt the rebell quha deceaſed before the date of the ſaid Act. And ſpeciallie quhair the eſcheit falling be the ſaid horning, was diſponed, and the donatour had intrometted with the gudes, takkes, and poſſeſſiones, conteined within his gift: Bot that the ſaid horning, in the cauſe foirſaid, albeit the ſame be not regiſtred, hes bene, and ſalbe, in al time cumming, of ful force and effect. Like as alſwaour Soveraine Lord, and three Eſtaites foreſaidis declaris, that all letters of horning, dewly execute and indorſat, for non-compering to vnderly the Law, or for not finding of ſovertie to that effect, reported to the juſtice Clerk, and his deputes, as vſe is, hes bene, and ſalbe als ſufficient, as gif the ſame were regiſtred in the Schireffes buikes, quhair the ſaidis rebelles were denunced. And that it ſalbe ſufficient that the hornings within Stewartries and Regalities, be regiſtrat within the buikes thereof, and that hornings execute vpon perſones, for their none-comperance to beare witnes, ſall neede na regiſtration.

FINIS.

The

Ane Table of the particular Actes, and vtheris,

maid be King *Iames* the Sext, in this aucht Parliament,
22. of Maij, 1584. not imprinted.

1 *Ratification of the declaratoure touching the proceedings againſt the King at* Ruthven.
2 *Ratification of the proſecution and puniſhment of the ſaid Rebellion.*
3 *Act annulling certaine alienationes and diſpoſitiones, maid in preiudice of the King.*
4 *The conſtitution of certaine the Kingis Maieſties officiares of the Eſtaite.*
5 *Commiſsion anent the Miniſters ſtipendes.*
6 *Ratification of the Kingis Maieſties lait revocation.*
7 *Reformation of the Colledge of Iuſtice.*
8 *Approbation of the lait lay-money.*
9 *Anent ane new cuinzie of Gold.*
10 *Ratification of certaine infeftments granted to Sir* Iohn Maitland *of* Thirleſtane *Knicht.*
11 *Ratification of Freer-landes and annuales of* Aberdene, *to the hoſpital theirof.*
12 *Revocation of landes pertcining to vmquhile* William Maitland *of* Lethingtoun.
13 *Ratification of the infeftment maid to* Andrew *Lord* Ding-wel.
14 *Commiſsion granted to* Colonel William Stewart.

FINIS.

THE

THE NINTH PARLIAMENT, HALDEN AT EDINBVRGH THE XXII. DAIE OF AVGVST. THE ZEIR OF GOD, 1584. ZEIRES. Be the richt excellent, richt heich and michtie Prince, IAMES the Sext, be the grace of God, King of SCOTTES, *with adviſe of his Eſtaites.*

1 Prelacies may not be given, bot be the poſſeſſours deceaſſe, fore-faltor, or ſimple reſignation with reſervation of his life-rent.

IT IS Statute and ordaned, be our SOVERAINE LORDE, and three Eſtaites, that all giftes, proviſiones, and diſpoſitiones of Succeſſours of Prelacies, Abbacies, Priories, and Nunneries, maid & granted be his Hienes, to quhatſum-euer perſones, his Hienes ſubjectes, vpon the reſignations or dimiſſions, of the poſſeſſoures of the ſame abbacies, priories, & titulars of the ſame reſervation of their awin life rentes, are and ſalbe of nane availe, ſtrength, force nor effect, with all that hes followed, or ſall happen to follow there-upon, without farther proces: And that na gift or proviſion of ony ſik Prelacie, ſalbe vailzeable in ony time to cum: except it ſall vaike be deceaſe, fore-faltour, or ſimple dimiſſion of the poſſeſſour thereof, and na vtherwaies, without prejudice alwaies of the life-renters, and preſent vſu-fructuares.

2 Poſſeſsion be the ſpace of fiue zeires, is ſufficient to the King, or his Donatour, of landes, takkes, teyndes, cum in his handes, be fore-faltour.

FORSAMEIKLE As be the commoun law of this Realme, the lands and heritages of al perſones convict of treaſon, halden immediatly of our Soveraine Lord, ar adjudged to perteine to his Hienes, and to returne as propertie to his Croun: And als his Hienes, hes richt and power to diſpone quhatſum-euer vther landes and heritages, perteining to the perſones convict of leſe-majeſtie, quhilkis ar immediatly halden of ony of his ſubjectes, be preſentation of ane heritable tennent, to the Ouer-lord. And in like maner

ner hes richt and title to all takkes and poſſeſſiones of teindes and landes, bruiked be the ſaidis perſones befoir their conviction: and as the crimes of treaſon growis within this Realme: Sua the fraudeful inventiones, to the hurt and prejudice of our ſaid Soveraine Lordis eſtaite, daily mair and mair increaſis, be abſtracting of the evidentes, infeftmentes, and ſeaſinges of the lands and heritages, takkes, and vtheris richtes, apperteining to the perſones quhilkis ar convict and fore-falted for leſe-majeſtie: Tending thereby to draw our Soveraine Lord and his Succeſſours, and the perſones to quhom the ſaidis landes and heritages foreſaidis, ar, and ſalbe hereafter diſponed, in queſtion of their heritable richtes, and titles of their rowmes and poſſeſſiones, nocht having in their handes the evidentes of the ſaidis perſones convict, or to be convict, as ſaid is. For remeid quhairof: it is ſtatute & ordaned be our ſaid Soveraine Lord, & three Eſtaites of this preſent Parliament, that all lands, lordſhippes, barronies, annual-rentes, milnes, multures, fiſchinges, tennents, tennandries & ſervice of free tennentes, & vtheris heritages quhatſumever, quhilks haue bene, or hereafter ſalbe, peaceablie bruiked, and poſſeſſed be quhatſum-euer perſones fore-falted, or that hereafter ſalbe fore-falted for crimes of treaſon and leſe-majeſtie, committed, or that hereafter ſalbe committed againſt his Hieneſſe and his Succeſſoures: Or be them to quhom our Soueraine Lord and his Succeſſoures ſuld ſucceede, be reaſon of the fore-faltour of their neareſt aires, as their heritage, be labouring the ſame with their awin guddes, ſetting the ſame to tennentes, & vp-lifting of the mailles theirof, as their heritage: And ſwa repute, halden and eſteemed heritable poſſeſſours thereof, be the ſpace of fiue zeires, immediatly preceeding the proces and ſentence of fore-faltour, led, or to be led againſt them, be the ſpace of fiue zeires, immediatly preceeding the deceaſe of the perſones, to quhome our ſaid Soveraine Lord, ſuld, or may ſucceede, as aire throw the fore-faltour, led, or to be led againſt their neareſt aires: That al & ſindrie the ſaidis landes, lord-ſhippes, barronnies, annual-rentes, tennentes, tennendries, and ſervice of free-tennentes, milnes, multures, fiſhinges, and vtheris heritages, quhatſum-euer, hes appertained, and ſal apperteine to our ſaid Soveraine Lord and his Succeſſoures, hes becummin, and ſalbe cum in their handes, as eſcheit, to be diſponed and vſed be them, as their propertie, in all times cumming. Swa that hereafter, na queſtion ſalbe mooved to his hienes & his Succeſſores, nor zit to the perſons quhilks haue alreadie obteined, or hereafter ſal obteine, heritable richt of the ſaidis lands, lordſhipps, annual-rents, & vthers aboue ſpecified be their diſpoſitiō. Notwithſtāding, that they be not able to ſchaw, nor produce in judgment, the heritable richt and title thereof: Or contractes, renunciationes, and vtheris ſecurities maid there-anent, to the perſones fore-falted, or to be forefalted, as ſaid is, or their predeceſſoures. And to the effect that the ſaid fiue zeires poſſeſſion of the ſaidis perſones, as heritable poſſeſſours, may be ſufficiently verified and prooved, OVR ſaid SOVERAINE LORDE, and his Succeſſoures, ſall, at all times needefull and convenient, at the inſtance of his Advocate, or quhat vtheris his Lieges, hauing intereſt, direct commiſſiones vnder the teſtimoniall of the great Seale, in dew and competent forme,

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makand ſik perſones as his Hienes, be the aduiſe of the Lordes of his ſecreet Councel, ſall finde maiſt meete and expedient his Schireffes in that paint, to tak cognition be ane condigne aſſiſe, of the Schiref-domes quhair the lands lies, or vtheris leaſt ſuſpected, quha beſt knawis the veritie, quhat landes lord-ſchippes & quhat heritages war bruiked and poſſeſſed be the ſaidis perſones convict or to be convicted of treaſoun, and war bruiked be them in maner foirſaid, as heritable poſſeſſoures theirof. Sa commounlie halden, repute and eſteemed, be the ſpace of the ſaidis fiue zeires, immediatelie preceeding the proceſſe and ſentence of foirfaltour led, and to be led againſt them, quhilkes ar or ſall happen to be heirafter convicted of treaſoun, as ſaid is. And quhat Lands war bruiked be the perſonis, to quhome OVR SOVERAINE LORD And his ſucceſſours, may or ſuld ſucceede as aires through foirfaltour led, or to be led againſt them for treaſoun, as ſaid is. And to cal al parties hauand or pretendand intereſt. Quhilks perſons of Aſſiſe, ſal giue their finall determination there-vpon befoir the Iudge: quha ſal interpone his decreete and authoritie theirto. And theirafter ſal retoure the ſame to his Hienes Chancellarie, vnder the ſealles of the ſaidis aſſiſe; quhair the ſame ſal remaine, *ad perpetuam rei memoriam*. And ſall in all times theirafter makals full faith in Iudgemente, as out-with: and be of als great ſtrength force and effect, to OVR SOVERAINE LORD, and his ſucceſſours, and vtheris havand richt, be their diſpoſition, for bruiking of the ſaidis Lands, lordſchippes, heritages and annuall rentes, as gif the heritable infeftments, charters and ſeaſinges theirof, maid to the ſaidis perſones forefalted, or to be fore-falted, as ſaid is, or their predeceſſours, war ſchawen and produced in judgemente. And as concerning takkes & poſſeſſiones of lands & teindes, bruiked & poſſeſſed be the ſaidis perſones fore-falted: or the perſones to quhome our ſaid Soveraine Lord, and his ſucceſſours ſulde or may ſucceede, as aires throw foirfaltour led, or to be led againſt their narreſt aires: It is ſtatute and ordained that letters be directed, be deliuerance of the Lords of his Hienes ſecreet councel, at the inſtance of his Hienes comptroller, Or ſik as hes obteined, or that ſal happen to obteine, be OVR SOVERAINE LORDIS gift, the richt of the ſaidis takkes and poſſeſſiones, Chargeing the poſſeſſours of the ſaidis lands and teinds, to enter the ſaide comptroller or Donatour theirto: To be peaceablie poſſeſſed & bruiked be them: ay and quhil thay be lauchfullie called, and ordourlie put theirfra be the law, within ten dayes nixt after the charge, vnder the paine of rebellion and putting of them to the Horne: And gif thay failzie theirin, The ſaides ten daies being bypaſt; To denunce them rebelles, and eſcheit all thair movable guds to his Hienes vſe. And that they ſall not be altered, heichted in mail or dewtie, or remoue fra the ſaidis takkes or poſſeſſiones of Landes, or teinds, for the ſaid ſpace of fiue zeires. That in the meane tyme thay maie have time and commoditie to ſearch & ſeek out the takkes, richtes, titles and proviſiones of them, quhom of their richt, and ſecuritie proceedis: & quhais place they ſucceede vnto, be forefaltour and eſcheit, as ſaid is. Quhairby they may mainteine and defend their richt or poſſeſſion of the landes or teindes acquired, as ſaid is. And that alwaies the fruites of the ſaidis landes, rowmes

and

ones,for the ſaid ſpace of fiue zeires, ſal apperteine and remaine with our ſaid Soveraine Lord, & his donatour for ever. Becauſe his Majeſtie and his donatoures may be greatly defrauded: As alſo vaſſalles and ſub-vaſſalles to ſewars hurt, through the abſenting & abſtracting of the evidentes and rightes of the perſons forefalted: Sum pretending to claime annual rents, & few dewties of landes, fallen in fore-faltour of many zeires preceeding: Quhilkis probablely ar taken away be poſteriour richtes or diſcharges, conſiled or abſtracted be the ſaid perſones fore-falted. Therefore it is ſtatute and ordaned, be our ſaid Soveraine Lord, and his three Eſtaites: That na perſon preſented be our Soveraine Lord, to few landes fore-falted, nor ony vaſſall of ony fewer fore-falted, ſalbe compelled to produce the acquittances of few mailles, or annuall rentes, of their fore-falted landes, of ony zeires preceeding the forefaltour of his immediat ſuperior: Nor zit of ony zeires ſen the ſaid landes come in his Hienes hands, be reaſon of the fore-faltour: notwithſtanding, ony clauſe irritant, conteined in the infeftmentes, or titles of the fore-falted perſones, quhilkis were obſcure to the perſones preſented be his Hienes, and ſub-vaſſalles foreſaidis: They alwaies payand the ſaidis annuall rentes, or few dewties for the time to-cum, how ſoone it ſalbe verified, that the landes were ſa obliſhed, be the infeftmentes of the ſaidis perſones forefalted, abſtracted, as ſaid is.

3 *In cauſes of double poynding, the pairtie quha is lauchfullie ſummoned, and compeiris not, ſal not be heard de in the ſecond inſtance.*

FORSAMEIKLE As complaint being mooved, at the inſtance of tennentes of landes, againſt divers parties, be quhom they ar charged, poynded and diſtreinzed, for their mailles and dewties: And of the parties compleined vpon compeirand, and ſchawand their richts and titles of the landes: and the vther being lauchfullie ſummound, and not compeirand, the partie compeirand, is ordaned to be anſwered and obeyed of the mailles and dewties of the landes, being in queſtion, according to his richt & title then ſchawen and produced: Not *ſimpliciter*, but with this limitation, for ocht that the Lordes of Councell or vther judges ordinaris, before quhome the ſaide action dependis, had ſeene. And the vther partie lauchfullie ſummoned, & not compeirand, is likewiſe decerned, to deſiſt and ceaſe fra all farder moleſtation, or troubling of the ſaidis tennentes, for ocht that the ſaidis Lordes then had ſeene. Be the quhilk decreete, the parties compeirand, hes vndoubted richt to the mailles and deuties of the landes, ay, and quhill he be warned at the inſtance of the vther party, and better richt ſchawen. And becauſe mony zeires, after the giving of the ſame decreet, the partie quha was lauchfully ſummoned, and be contumacie was abſent, hes intended action for reduction of the ſaid decreete, from the beginning: And conſequently, for compelling of the partie obteiner theirof, to rander and reſtore the haill profites of the landes, intrometted with be him, of mony zeires, expreſſe againſt the proviſion of the commoun law, and gude reaſon: That he quha compeiris and obeyis the judge, ſalbe in worſe caſe, nor he quha contemned the judgement, and abſentis him there-fra. For remeid quhairof, it is ſtatute and ordaned, that quhair-euer the partie not compeirand, is lauchfullie ſummoned, and ſchewis nocht richt, he ſal not be heard to retreat and reduce the ſaid de-

creete,nor zit ſalbe reſtored againe to the ſame: Except he haue an neceſſary cauſe of his abſence,& nocht cõpeirance quhen he was ſummound,nor zit ſal haue ony action for the by-run profites,intromitted with, be the obteiner of the decrete, fra the obteining thereof. And he quha obteinis the ſaid decrete, ſall onely be obliſhed to anſwer the vther partie cõpleinand in the ſecund inſtance,according to the richt,quhilk is then competent in his perſon,& quhilk he ſall ſchaw & produce valzieable to bruik, at the time of his complaint and ſute,and na vtherwaies. And that this ordour be keped & obſerved,before the L. of Seſſion,& vther judges,as effeiris,nocht only in all ſik queſtions. as may returne hereafter: But als in all matters of the like ſort, by-gane intended,or to be intended, dependant & vndecided before the ſaidis L.. of Seſſion, & vther judges ordinar. It is alwaies prouided,that gif the partie called, & not cõpeirand, in the firſt inſtance be *minor*, & haue tutours & curators,he ſall haue his action for his damnage & intereſt ſuſteined be him,throw his noncõpeirance,againſt his tutours & curatours allanerly. And gif the perſone being *minor*, hauing na curator nor curatours,ſall haue their remeid to be reſtored in *integrum*,as accordis of the law,vpõ reaſonable cauſe proponed to that effect.

4 Writtes ordaned to be regiſtrat, neceſſarly ſuld nocht be ſealed. Inſtrumentes of ſeaſing ar valide,albeit they be nocht ſubſcribed be twa Notares.

THE Kingis Majeſtie,with adviſe of the three Eſtaites of this preſent Parliament, exponis and declaris, that the act anent the ſealing of writtes of importance, is nocht to be vnderſtand of ſik writtes, contractes, or obligations,as ar be the parties aggreed vpon,to be regiſtrat in the buikes of our Soveraine Lordis councell: or vther ordinar judges, ſeeing the parties conſents to regiſtrat the ſame. Quhilk is ane greater ſolemne act, nor the ſealing thereof. And that the non-ſealing of the ſame,ſalbe na exception againſt the validitie of the ſaidis writtes, being ſubſcribed be the parties,and aggreed on,to be regiſtrat,as ſaid is. Quhilkis his M. and Eſtaites foreſaidis, decernis to neede na ſealles. Neither that the ſaid act,anent the ſaidis writtes, to be ſubſcribed be twa Notaris,ſalbe extended to inſtrumentes of ſeaſing,quhair-vnto ane faithful Notar, with ane reaſonable number of honeſt & famous witneſſes is ſufficient. And this declaration to be obſerved as ane law,in al times cũming.

5 The eaters of fleſh in forbidden times,ſuld be puniſhed be eſcheitting of their gudes.

IT Is ſtatute and ordaned be our Soueraine Lord, with adviſe of his three Eſtaites, that na maner of perſon nor perſons his ſubjectes,of quhat eſtaite degree or condition that ever they be of,ſal preſume or tak vpon hand,to eate ony maner of fleſh in time cũming, on Wedniſ-day, Friday,or Setterday, or in the time of *Lentrõ*,vnder the paine of cõfiſcation of al their moueable guds to our Soveraine Lords vſe,and that his M. Theſaurer,cauſe inquire,ſearch & ſeeke, the contravenares of this preſent act,cal & accuſe them therefore: And they being convict, to arreiſt & vplift the ſaid paine vpon them, with all rigour, in exemple of vtheris.

6 Diſſolution of annexed landes.

FORSAMEIKLE As in auncient times, our Soveraine Lordis maiſt Noble Progenitoures, with conſent of the three Eſtaites of Parliament,

haue

haue judged it maiſt convenient for the weil of the Realme, that euery free halder, Spirituall and Temporall, ſuld ſett their landes in few: And that our ſaid Soveraine Lordis Predeceſſoures, of maiſt noble memorie, being for the time, be ſetting of their landes, aſweill annexed, as vn-annexed in few-ferme, ſuld giue exemple to his free-halders to do the like. And to that effect in diverſe Parliamentes, halden in the dayes of our Soveraine Lordis Progenitoures foreſaidis, The annexation and vnion of landes to the Croun, were diſſolued, & now our Soveraine Lord, followand the tread of his ſaids Predeceſſoures, for the great deſire quhilk his Hienes hes, that policie ſuld increaſe within his Realme, hes be the adviſe of his ſaidis three Eſtaites in Parliament, diſſolved, and be the tenour of thir preſentes diſſoluis, the vnion and annexation, of quhatſum-euer landes, lord-ſchippes, barronies, milnes, multures, fiſchinges, maid to the Croun, in ony Parliament halden in his awen time, or in the dayes of quhatſumever his Hienes maiſt Noble Progenitours: To the effect that the ſamin lands, lord-ſhipps, barronies, milnes, multures and fiſchinges, with their pertinentes, may be ſet in few-ferme be his Hienes, with adviſe of his Comptroller preſent, or to cum, to quhatſum-ever perſō or perſones his hienes pleaſis. And our ſaid Soveraine Lord and three Eſtaites of this preſent Parliament, be the tenour hereof, declaris, decernis, and ordanis, that this preſent diſſolution ſall ſtand, and be of full force, for his hienes life-time: Swa that the landes, lordſhipps and barronies quhilk his hienes ſal ſet in few-ferme, in his awin time, ſalbe ſure and vailzeable to the perſones receivers theirof, their aires and ſucceſſoures for euer: & that the annexations of landes, lordſchipps, and barronies, maid in ony time preceeding, ſa far as ſal concerne the lands, lordſhipps and barronies, quhilk ſall not happen to be ſett in few-ferme, in his Hienes awin time, ſall after his deceaſe, returne to the awin nature, after the forme of the diſſolutiones maid before, in the time of his maiſt noble Progenitoures. Providing alwaies, that the ſaidis infefments of few-ferme, be not maid within the iuſt availe, to the prejudice and hurt of our Soveraine Lord, and his ſucceſſoures: That is to ſay, within the deutie, to the quhilkis the ſaidis landes ar retoured, or may be juſtly retoured, for the new extent. Quhilk new extent his hienes, with aduiſe foreſaid, declaris to be the iuſt availe of the ſaidis landes, for the quhilk the ſamin may be ſet in few-ferme. Prouiding alwaies, that this preſent diſſolution, ſall not be extended to the landes of *Ruthven*, *Erskene*, and vtheris, the Erle of *Angus* his landes, conteined in the Kingis Majeſties Signatour. Bot the ſamin ſall remaine with the Kingis Majeſtie, and his hienes Succeſſours, to be vſed, occupied, and intrometted with, be his Majeſties Comptrolleres preſent, & that ſal happen to be for the time in ſik ſort, & in the ſamin maner as the ſaidis landes were vſed be the Lords, and proprietaris theirof, afore their fore-faltoures: Neither ſall it be leſum to ony his Majeſties ſubjectes, to purchaſe, few, takk or rentall of the ſamin, or ony vther cullour of richt; Quhairby they may pretend to interpone them ſelues betuixt his Hienes Comptrollers, and the tennentes, labourers of the landes foirſaidis, quhilkis fewes, takkes, rentallers, or vther quhat ſumever alreadie purchaſed, or to be purchaſed, cōtrair to the tenour of this preſent prouiſiō. The Kings Majeſtie

with aduiſe of his Hienes three Eſtaites foreſaidis, declaris to haue bene, and to be null of the Law in ſik-like, in all time cumming.

7 *All Kirk-landes ſet in few-ferme ſuld be confirmed.*

FOR ſameikle as it being conſidered be our Soveraine Lord, and three Eſtaites in this preſent Parliament: That albeit of before, it hes bene ſtatute and ordaned, be ſindrie actes of Parliament, and ordinances of ſecreet councel, with letters of publication paſt there-upon: That all fewes of Kirk-lands, & lang takkes ſet or maid, ſen the 8. day of *March*, the zeir of God, 1558 zeires, ſuld be cõfirmed be the Kingis Majeſty: & that vtherwayis the ſame ſuld be nul, & be diſcuſſed be way of exception: And for the ſecuritie there of, that al perſons that had ſignatour of confirmation paſt, lyand in the Theſaurers hand, ſuld cum and pay the compoſition, and vtheris that were not zit agreed, ſuld cum and make their compoſition, and expeede their confirmation, within the time and diet appoynted to them there to. Not theles ane great number not only delaies, but rather as appearis contemnis the ſame, and dois na diligence therein. As alſwa it is conſidered, be our ſaid Soveraine Lord, & three Eſtaites in this preſent Parliamẽt, that mony vther fewes, ſet of before of Kirk-landes, before the ſaid 8. day of *March*, the zeir of God, a thouſand, fiue hundreth, fiftie aucht zeires, quhilk be the ordour then obſerved, ſuld haue bene confirmed, ather be the King, or be the *Pape*, were nather then confirmed be that ordour, nor zit be na vther dew ordour, ſenſine. Therefore it is declared, ſtatute & ordained, that all the ſaidis fewes of Kirk-lands, alſweil ſett of auld, before the 8. day of *March*, the zeir of God 1558 zeires, as ſenſine: quhilks ar as zit vnconfirmed, ſalbe brocht in & preſented to our Soveraine Lordis Theſaurer, and his depute, betuixt and the firſt day of *September*, the zeir of God, 1585. zeires, and aggried with them for the confirmation thereof, and the ſamin confirmation to be expedde & paſt, but ony delay thereafter. Providing alwaies that the auld poſſeſſoures ſal not be prejudged be this act, and ſall haue their confirmations, for payement of the 4. maill, & the fermorares for doubling of their ferme, And that the land be not evicted from thẽ, nor diſponed to ony vther, they offering for confirmation, as ſaid is. And ſeeking the ſamin within zeir and day, after the publication of this act, vtherwaies to pay 8. mailles or three fermes. And vtherwaies, that all the ſaidis fewes, aſweill of auld as of new, not being confirmed, ſall haue na effect, force nor ſtrength in judgement, or out-with, in ony time cumming. And ſalbe repelled and diſcuſſed, be way of exception, before quhatſum-euer judge they ſal happen to be vſed & produced. And ſiklike, that it ſalbe leſum to our ſaid Soveraine Lord, gif it ſall pleaſe his M. to perſew be his hienes Aduocate in his name, reductionof all the ſaidis infeftments of few, of auld or of new, ſen the the time foreſaid, or ſall happen to be ſet hereafter in ony time cũming, not being confirmed, as ſaid is: that the ſamin ſalbe reduceable, for the only reaſon & cauſe of non-cõfirmation thereof. And that the haill lands ſall fal in our ſaid ſoueraine Lordis hands and his ſucceſſours, to be vſed and diſponed be his Hienes, as he ſal thinke expedient in time cumming.

Anent money, victuall, aſsigned to the keeping of the Caſtles of Edinburgh, Dunbertane, Striviling *and* Blacknes.

FORSAMEIKLE As the Caſtles of *Edinburgh*, *Dunbertane*, *Striviling* and *Blacknes*, being four of the chiefe ſtrenthes of this Realme, maiſt neceſſar to be keeped, alſwell for our SOVERAINE LORDIS ſervice, as his reſidence within the ſamin, at times convenient: as for the guard and keeping of priſoners and wardoures, charged for their offenſes, to remaine within the ſamin. Quhilk Caſtles cannot be ſafely keeped to his Majeſties behooue, and weil-fare of his Realme, bot be his ſubjectes and ſervandes, of ſik fame, lautie and credite, as his Hienes eſteemis worthie to diſcharge their dewtie in that behalfe: Quha ar never able to do the ſamin, but ſufficient rent and living, quhair-upon the perſones, continually attending vpon the ſaid charge and ſervice, may be mainteined. Therefore our Soveraine Lord, with adviſe and conſent of the three Eſtaites of this preſent Parliament, hes ſtatute and ordaned, and be the tenour hereof, ſtatutis and ordainis, that all the money and victuall aſſigned, giuen befoir for keeping of the ſaidis Caſtles: And quhairof the Captaines and keepers of the ſamin *reſpectiuè*, haue bene in poſſeſſiō, be the ſpace of 5. zeires, preceeding the dait of thir preſentis, ſall in time cumming, remaine and abide, with the Captaines and keepers thereof, for ſuſteining of the charges of their offices: That is to ſay, to the ſaid Caſtle of *Edinburgh*, twelfe hundreth markes, to be payed monethlie, foorth of the cuſtomes of the Trone of *Edinburgh*, and foorth of the *ſuper-plus* of the thrides of benefices: The haill third of the quheite of the Arch-biſchopprick of *Saint-Andrewes*, ſeuen chalder, twa bolles, iij. firlottes, ane peck. The reſt of the third of the quheite of the Abbaie of *Scone*, three bolles: the hail third of the quheite of the Priorie of *Charter-houſe*, twa Chalder, fiue bolles, iij. part boll. The hail third of the quheit of *Lundoris* three chalder, four bolles, iiij. firlottes, three peckes. The haill thrid of the quheit of the Kirke of *Mony-fuith* ane chalder, three bolles, thrid pairt bol. Out of the thrid of the beir of the Arch-biſchopprick of *Saint-Andrewes* aucht chalders, fiue bolles, thrid part peck. Of the thrid of the beir of the Abbay of *Scone*, ane chalder, twa bolles, ane firlot, twa parte peck. Out of the thrid of the beir of the Priorie of *Charter-houſe*, three chalders, three bolles, ane peck, thrid part peck. Out of the thrid of the beir of the Abbay of *Lundoris*, ſaxe chalders, nine bolles, ane firlot: Out of the thrid of the Beir of the Abbay of *Aberbrothok*, ane chalder, nine bolles, three firlottes, twa part peck. Out of the thrid of the Beir of the Biſchopprick of *Dunkeld*, four chalder, xiij. bolles, thrid part boll. The thrid of the meale of the Arch-biſchoprick of *Saint-Andrewes*, four bolles. Out of the iij. of the meale of the Abbay of *Scone*, xj. bolles, ane firlot. The hail iij. of the meale of the Priory of *Charter-houſe*, ij. parte boll. Out of the iij. of the meale of the Abbay of *Lundoris*, four chalders, xj. bolles, three firlottes, twa peckes: Out of the thrid of the meale of the Biſchopprick of *Dunkeld*, four chalders. The thrid of the

peeis and beanes of the Arch-biſchopprick of *Saint-Andrewes*, ane bol, thrid part boll. To the Caſtle of *Dunbertane*, the mailles fermes, profites and dewties of the landes of *Cardroſſe* and meikle *Cumray*. The penſion of the ferme meale of *Kirk-Patrick*. The Cuſtomes of *Dunbertane*, and fiue hundreth and fiftie markes, out of the *ſuper-plus* of thrides of benefices. To the Caſtle of *Striviling*, the few mailles of the lord-ſhippes of *Striviling* ſchire, *Menteith*, *Brechin* and *Nevar*. To the ſaid Caſtle of *Blacknes*, the money and victualles of the lordſhippe of *Linlithcow-ſhire*, according to the gift maid thereanent. And gif ony part of the money and victuall, before aſſigned to the keeping of the foreſaidis Caſtles, and quhairof the keepers and Captaines, for their ſervice, hes bene in poſſeſſion, allowed in our Soueraine Lords Checker, be the ſaid ſpace of fiue zeires laſt by-paſt: be diſponed, giuen and aſſigned, or hereafter ſall happen to be diſponed, given and aſſigned, to quhatſum-euer vther perſon or perſones, for times lang or ſhorte: except to the ſaidis Captaines and keepers now preſent, or quhilk ſall happen to be for the time: OVR ſaid SOVERAINE LORDE, be adviſe and conſent foreſaid, reuokis, annullis, and diſchargis the ſame, and als decernis and declaris, that the ſaidis gifts, aſſignationes & diſpoſitions, quhatſum-euer maid contrare the tenour of this Acte, ay, and in all times cumming, ſalbe of nane availe, force nor effect, with all that may follow thereupon.

9 Confirmation of the Act maid anent forbidden gudes.

OVR SOVERAINE LORD, with adviſe of his three Eſtaites conveened in this preſent Parliament, Ratifies & appreevis for his hienes and his Succeſſoures, perpetuallie confirmis all Actes of Parliament maid be his Hienes, or his maiſt Noble Progenitors, againſt the tranſporting of forbidden guddes & Wares, out of this Realme, And ordains the ſame to haue full effect and force in time cumming. Commanding his Hieneſſe Theſaurer, and al vtheris his officiares, to quhom it apperteinis, to ſee the ſaids Actes put to dewe execution, againſt the contraveners theirof: As they will anſwer vpon the dewtie of their offices, at their hieſt charge and paine.

FINIS.

Ane Table of the particular Actes, and vtheris, maid be King *Iames* the Sext, in this ninth Parliament, *22. of Auguſt, 1584. not imprinted.*

1 *Exception of the Abbotes of* New-bottle, *and* Kinloſſe, *foorth of the Act anent ſucceſſoures to Prelacies.*

2 *Act maid anent factoures of landes, perteining to perſones delated of treaſon.*

3 *Ratification of the actes anent the libertie of Burrowes.*

4 *And of the act anent the exceſſe of coaſtly cleething.*

5 *Commiſsion anent diſcuſsing of articles proponed in Parliament.*

6 *Act in fauoures of the Laird of* Lethingtoun.

7 *Commiſsion anent the erection of the Colledge of* Aberdene.

8 *The annulling of penſiones foorth of the Biſchoppriks of* Saint-Andrewes, *and* Aberdene.

9 *Ratification of the Kingis revocation.*

10 *Ratification granted to the Commendatar of* Pettin-weeme.

11 *Ratification of the infeſtment of* Beau-lie, *to my Lord* Lovat.

12 *Ane vther of the decreet given in fauours of the Erle of* Suther-land, *againſt the Erle of* Caithnes.

13 *Ane vther of the decreete arbitrall, betuixt the merchandes and craſteſ-men of* Edinburgh.

14 *Ratification granted to* Alexander Erskene *of* Gogar, *vpon the diſcharge of the Caſtle of* Edinburgh.

15 *Ratification of the contract, betuixt the King and* Euſtathius Rogh, *anent the myndes.*

FINIS.

THE

THE TENTH PARLIAMENT CVRRENT, HALDEN AT LINLITHCOVV THE X. DAY OF DECEMBER. THE ZEIR OF GOD, 1585. ZEIRES. Be the richt excellent, richt heich, and michtie Prince, IAMES the Sext, be the grace of God, King of SCOTTES, And the three Estaites.

10 Authours of slanderous speaches, or writts, suld be punished to the death.

THIS Statute and ordaned, be our SOVERAINE LORD, And three Estaites, that all his Hienes Subjectes content themselues in quietnes & dewtifull obedience, to his hienes & his authoritie. And that nane of them presume, or take vpon hand publicklie to declame, or privatly to speake or write ony purpose of reproch, or slander of his Majesties persone, estaite, or gouernement: Or to deprave his lawes and actes of Parliamēt, or misconstrue his proceedinges, quhairby ony mislyking may be mooved, betuixt his Hienesse, and his Nobilitie, and loving subjectes in time cumming, vnder the paine of death: Certifieng them that does the contrare, they salbe repute as seditious & wicked instrumentes, enemies to his Hienesse, and the commoun-weill of this Realme. And the said paine of death salbe execute vpon them, with all rigour, in exemple of vtheris.

11 All Ecclesiasticall Persones, sall finde caution to leaue the Benefice, als gude as they fande it.

THE Kingis Majestie, considering the great and shamefull dilapidation of the rentes of the benefices of this Realme, without respect of the posteritie: to the great hurt of the Crown and common-welth of this Realme: Therefore for sum stay of the said disorder, quhill the inconvenientes past, may be better tryed, and the full remede provided: Be the advise

of

of the three Eſtaites, conveened in this preſent Parliament, ſtatutis and ordainis that al perſones to be provided hereafter, to the Biſhoppricks, Abbacies, Priories, or quhatſumever inferior benefices, being at his Hienes preſentation, ſalbe before the expedition and Regiſtration of their ſignatours, find ſovertie to the Clerk keeper of the Regiſter: That they ſal leaue the ſaid benefice at their deceaſe and dimiſſion, vn-hurt or vitiat in the quantitie of the zeirlie rent theirof: as they find it at their entrie their to. And that their ſignatours & proviſiones on-na-wayes be expedde or paſſe the ſealles quhil the ſaid ſovertie be founden. And the ſame teſtified be the ſame Clerk. And in-caſe ony of the ſaides perſons, prouided to the ſaides benefices, ſall happen to doe vther-waies: And be ony fewes, takkes, proviſiones or changing of victual for money, or ony vther diſpoſition, ſall make their benefice in worſe eſtaite, nor the ſame was at their entrie theirto: all ſetting and diſpoſition, ſalbe of nane avail, force nor effect.

12 All leagues and bandes, maid without the Kinges conſent, are null.

FOR SAMEIKLE as their wes ane Act maid of before in the regiment of vmquhill *Marie* Queene Dowrier and Regent of this Realme, OVR SOVE-RAINES LORDIS Gud-dame of worthie memorie: Anent leagues and bandes, as being thocht againſt all law & obedience of ſubjectes towardes their Princes. Quhilk Acte ſen the making nocht weill obſerued; It hes given occaſion in a pairt of mony troubles, that hes occurred ſen-ſyne. Quhairfore OVR SOVERAINE LORD, with adviſe of his three Eſtaites, conveened in this preſent, Parliament, Ratifies, approvis, and for his ſucceſſoures perpetually confirmis, the ſaid Act of Parliament, and ordainis the ſamin to haue full effect, and execution in time cumming. And als of new with adviſe of his ſaids three Eſtaites, diſchargis and annullis all leagues and bandes maid betuixt his lieges and ſubjects in time bygane, preceiding the dait heirof. And ſtatutis and ordainis that in time cumming, na leagues nor bandes be maid amangs his ſubjects of onie degree, vpon quhatſumever cullour or pretenſe, without his Hienes or his ſucceſſours privitie and conſent had and obteined thereto: vnder the paine to he halden and execute, as moueris of ſedition and vnquietneſſe, to the breake and trouble of the publick peace of the Realme, and to be called and perſewed therefore, with all rigour, in exemple of vtheris.

13 All charges, ſuper inquirendis, *ar diſcharged. The writers ſuld not alter the auld forme and ſtile.*

OVR SOVERAINE LORD, with adviſe of his three Eſtaites, ſtatutis and ordanis, that his Hieneſſe Secretar, or his deputes, keepers of the ſignettes, paſſe na maner of Letters to charge ony perſones to compeir, *ſuper inquirendis*, Or to enter there perſones in ward: or to do onie deede, vnder the paines of treaſon or rebellion: And in-caſe of failzie,

to

to denunce without calling,or cognition tane of before. Notwithſtanding the ſubſcription of his hienes, or ony twa, or maa of his Councell: Except the ſame letters be ſpecially ſubſcribed be the chiefe officiares of the Eſtaite, at the leaſt be four of thē: quhairof the Chāceller, Theſaurer, or Secretar ſal be alwaies ane, & ſal perfitely vnderſtād, & anſwer, that ſik letters ar adviſedly directed, for matters being in themſelves treaſon in deede: or vtherwaies of higheſt importance, concerning his Hienes perſon, and proper Eſtaite, that may ſuffer na delay. And that the Secretar admoniſh all his deputes and writers to the ſignet, that nane of them tak vpon hand to write, or put in forme ony maner of Signatour or Letter, to be paſt his Majeſties hand, that conteinis novaltie or informalitie, contrair the louable and accuſtomed ſtile and forme, notwithſtanding the deſire of ony partie, vnder the paine of deprivation. And that everie writer ſubſcribe his name on the back of the ſignatour, or letter, as allowed be him, That it is written according to the ordinar ſtile and forme: And that na ſignatour, or letter paſſe vnallowed or ſubſcribed be the writer, as ſaid is, as they will anſwer there-upon, at their higheſt charge and perrel.

14 *Fiſh ſlaine on ather ſide of the water of* Forth, *may be brocht to ony free Burgh.*

FORSAMEIKLE As in the Act of Parliament, lately maid anent the packing, and peeling of herring and quhit-fiſh, and vther fiſh, ſlaine on ather ſide of the waters of *Forth*: It is expreſſlie prouided, that all the ſaidis fiſhes, ſalbe brocht to the Portes of *Leith*, or *Carraill* allanerlie: There to be graithed and handled, as in the ſaid act at mair length is conteined: Quhilk ſenſine hes bene very hurtful & prejudicial to the remanent free burrowes and Sea portes, on ather ſide of the ſaid water of *Forth*. Therefore our ſaid Soveraine Lord, with adviſe of his three Eſtaites, conveened in this preſent Parliament, declaris, ſtatutis & ordanis, that it ſalbe leſum to the remanent of the ſaidis free burrowes, to haue the ſaidis fiſhes brocht to ilk an of them in time cūming, alſweil as to the ſaids Portes of *Leith* and *Carraill*: Notwithſtanding ony reſtriction maid their-anent, be the ſaid Acte, or vtherwaies of befoir, diſpenſand therewith for euer. And ordanis letters of publication to paſſe here-upon, in forme as effeiris.

15 *Licences anent tranſporting of forbidden gudes, nocht ſubſcribed be the Comptroller, ar of nane availe.*

FORSAMEIKLE As ſindrie perſones, vnder coullour of our Soveraine Lordis licences granted to them, hes tranſported, and daylie tranſportis foorth of this Realme, woll, tallon, victuall, and ſik vther forbidden guddes, to the great hurt and prejudice of his Hieneſſe cuſtomes, and the commoun-weill of this Realme. For eſchewing of the quhilk in time cumming, our ſaid Soveraine Lord, and three Eſtaites of this preſent Parliament, decernis, ſtatutis, and ordanis, that all ſik licences, for tranſporting of the

the saides for-bidden guds granted or to be granted be his Majestie, be subscriued be his Hienes comptrollers, present and to cum. And vther-waies to be invalide and to haue na force nor effect. And ordainis letters to be directed to the effect foresaid.

16 Addition to the Act maide anent Sornars and thieues of Clannes

IT IS statute and ordained be OVR SOVERAINE LORDE, be advise of his three Estaites in Parliament, that in-case ony of his Hienes gud subjectes, that receiued onie harme or skaith, throw stowth or maisterfull reiffe of their gudes, be ony of the notorious thieues, broken men, or Sornares of the clannes of thieues in times cūming, sall happen nocht to be of power of themselfes to stay and arreist the bodies and gudes of the persones that hes offended against them, or vtherwaies of the same Clan, their seruands dependares and part-takers being apprehended be them: That then the compleener sall desire the Schireffe, Stewart, Baillie, or their deputes, or Provest and Baillies, within Burgh, or onie vther person, being of power, that happenis to be present for the time. To concur and assist to the same compleener, in making of the samin stay and arreistment, conforme to the Acte of Parliament maid at *Edinburgh* the xxiiij. day of *October*, Ane thousand, fiue hundreth, auchtie ane zeires, Against notorious thieues and Sornars of clannes, as they will answer to his Hienes vpon their obedience, and vnder the paine to bee reputed, and esteemed partakers with the saids thieues, in evill deedes: Quharin gif they failzie, his Hienes with advise of his saidis Estaites, declaris that the said compleener, being his Hienesse obedient subject, sall haue siklike actiō criminally, or civilie, against the saids Schireffes, Stewarts, & Baillies, Provest & Baillies within Burgh, or vthers persones of power happening to be present for the time. And failzeing readilie to concur and assist, as said is, as against the principall thief or rievar. And further declaris, statutis, and ordanis, that it sall be leesum to his Hienes trew and obedient subjectes, having their gudes stollen and reft be the saidis notorious thieves, broken men, or Sornares of Clannes, to apprehend, tak, and intromet with the gudes and persones of the offenders, or onie vthers of the samin Clan, their servandes, defenders, or partakers, with quhome the thieves, and trew mennis gudes stollen or reft be them, were receipt: and to reteene the samin, as their awin proper gudes, ay and quhill the offenders, or vthers of the said Clan, cum to compt and reckoning, and mak sufficient suretie for redres of the trew mens skaith: Conforme to the said Act of Parliament, and assoilzies them fra al danger of spoilzie, or violent proffittes, but onely to be answerable for the principall guddes, quhen they sall haue reckoning, compt, and dew redresse of their awin guddes, with their coastes and skaithes.

17 Revocation of the Kingis propertie.

OVR SOVERAINE LORDE, Having at sindrie times heretofore, commanded ordour to be taken with the Estaite of his House and

and toward his propertie, quhair-upon the ſame ſuld be ſuſteined: As finding nathing effectuall done thereanent, as zit. Bot in default of the ſame, diverſe abuſes entered, and ſtill continuand in the ſame houſe, and great diminution of his Hienes rentes, his Majeſties debtes, and his awin houſe alwaies increaſing. FOR remeid quhairof, his Majeſtie be adviſe of the Lordes, and of his Eſtaites alſwa in Parliament, hes maid, and cauſed publiſh diverſe reuocationes, quhilkis notwithſtanding, hes tane ſmall effect to his Hienes commoditie: Becauſe the thinges appoynted to be recovered, and brocht againe to the ſame revocationes, were alwaies newly impetrat & purchaſed of his Majeſtie be inoportune & vnreaſonable ſuites, quhairby his Hienes awin neceſſitie aucht firſt to be provided for. THEREFORE his Hienes, zit as of before, with adviſe of his three Eſtaites, conveened in this preſent Parliament, revokis, caſſis, and annullis, all infeftmentes, takkes, penſiones, giftes, aſſignationes, reverſiones and exceptiones quhatſum-euer, maid of the rentes of his propertie annexed and perteining to his Croun, in the dayes of his deareſt Gud-ſchir, King IAMES the Fifth, of worthie memorie. Or in ony time by gane, preceeding the dait hereof, being of their awin nature, or be cuſtome or Lawes of this Realme revocable. And declaris the, ſaidis infeftmentes, takkes, penſiones, giftes, aſſignationes, reverſions and exceptions, to haue bene, and to be null, aud invalide for the crop and zeir of God, 1585. zeires inſtant, *Whit-Sunday*, and *Martine-mes* termes of the ſame, and in time cumming: Notwithſtanding, ony ratifications or confirmations theirof, be Parliament or vtherwaies, and ordanis the ſaidis rentes, to be charged for, intromitted with, and in-brocht to his Hieneſſe proper vſe, be his Majeſties Comptroller, and his deputes, to his Hienes vſe. Attour his Majeſtie avowis in the word of a Prince, promiſis inviolablie to obſerue this Act, and to abſteine from all new diſpoſitions, of ony of the ſaidis rentes revoked, as ſaid is, quhill his awin neceſſities be firſt of all dewlie and ſufficiently provided for. As alſwa to allow of that gude forme in his houſe, quhilkis the ſaidis Lordes of his ſecreit Councell, and Officiares of his Eſtaite, appoynted in this preſent Parliament, ſall appoynt to beginne the firſt day of *Ianuar* nixt-to-cum. Diſchargeing his Hienes Comptroller, of all anſwering or admitting of ony precepts or fees, penſiones or wages, to ony perſons of the termes foreſaid, or in ony time cumming: quhill it be newlie directed, and ſpecially appoynted be his Hieneſſe, with adviſe of the ſaidis Lordes of his Privie Councell, and Officiares of his Eſtaite, ſittand togidder in that number: Quhilk be this preſent Parliament ar appoynted, his Hienes awin neceſſitie being firſt conſidered, quhat penſiones, fees and wages, ſalbe allowed and payed in the Office of Comptrollerie, of the zeir of God foreſaid, and in time cumming. To the effect it may be ſeene, that the thingis commanded to be anſwered, ar reaſonable and profitable to be done, without his Majeſties hurt and inconvenient, his awin neceſſitie being alwaies firſt conſidered and provided for, as ſaid is: And conſideration had alſo of the payment of his by-gane debtes, ſa far as is poſſible: Certifieng the ſaid Comptroller, gif he do in the contrair, he ſall haue na allowance of his doing: notwithſtanding ony warrand paſt before the dait of thir preſents.

18 The narreſt Agnate ſuld be curatour to Fooles, Idiotes, and Furious perſones.

OVR Soveraine Lord, be adviſe of this preſent Parliament, ſtatutis & ordainis, that the narreſt agnates and kinſmen of natural Fooles, Idiotes, & furious perſones ſalbe ſerued, receiued, and preferred, according to the diſpoſition of the commoun Law, to their tutorie, and curatorie.

19 Addition to the Act anent double poynding.

FOR SAMEIKLE, As there was ane Act maid in the laſt Parliament halden at *Edinburgh* in the moneth of *Auguſt*, fourſcoir foure zeires, anēt decreits givē vpon double poyndings, & hornings, the ane part being lauchfullie ſummond, compeiris not in that inſtant, and ther-after deſires to be heard be way of reduction, They ſall not be heard to retreite and reduce the ſaid decreit, nor zit ſalbe reſtored againe to the ſamin: neither zit haue onie actiō for the by-run proffites intromitted with be the obteiner of the decret: As at mair lenth is conteined in the ſaid Act. Quhilk act is not only extended to all ſik queſtions as may occurre hereafter, but alſwa in all ſik matters of the elike ſort by-gane intended, or to be intended, depēding & vndecided before the Lordes of Seſſion, and vther judges ordinar, to ane great hurt and prejudice of ane great number of our Soverainis ſubjects, ſecluding them fra their actiones of reductions of decreetes of double poyndings and horninges, and from the profites reſultand there-vpon, alreadie intended & depending lang before the making of the ſaid act, quha of law and equitie, aucht not to be aſtricted to obſerue ony ſtatutes or ordinances, before the making of the ſamin: ſeeing lawes ſuld be extended *ad futura*, and not *ad præterita*. Therefore our Soveraine Lord, with adviſe of the three Eſtaites of this preſent Parliament, decernis and declaris, the foreſaid Act of Parliament, only to be extended to the reduction of decreetes of double poyndings & horninges, as hes, or ſalbe obteined ſen the making of the ſamin: and not to ſik as wes intended and depending lang of before, and that in reſpect, our Soveraine Lordis ſubjectes, could not obſerue the ſaid act, before the making heirof, and ordanis letters to be direct here-upon, in forme as effeiris.

20 Signatoures and other writtes, ſuld be preſented be the ordinar Officiars.

OVR SOVERAINE LORD vnderſtanding how farre his hienes is grudged, be the ſubſcriving of ſindry Signatoures & letters, at in-oportune ſute and deſire of ſindrie perſones, his Hieneſſe not being fore-warned nor trewlie informed of the effect and contentes of the ſaid ſignatoures and letters: For remeid quhairof, his Majeſtie with adviſe of his three Eſtaites, conveened in this preſent Parliament, ſtatutis and ordanis: That na ſignatour or letters quhatſum-euer, ſalbe preſented to his Majeſtie, to be ſubſcribed in time cumming, bot be his ordinar officiars, vnto quhais offices the ſame pro-

properly belangis. And in-caſe ony ſignatour, ather ignorantly, or vpon inoportunitie, ſall happen to be ſubſcribed, be his Hieneſſe vtherwaies; Commandis his ſaids ordinar officiars to ſtay them: And in no waies to ſubſcribe or paſſe them; As they wil anſwere at their higheſt charge and perrell: Quhilk ſtaying of the paſſing of ſik ſignatoures, ſall be impute to them for na offenſe: Bot eſteemed be his Majeſtie, as acceptable and gude ſervice, tending to his Hieneſſe honour, and commoun-weill of this Realme.

Ane Table of the particular Actes in this Tenth Parliament, 1585. and not imprinted.

1 *Ratifications of the Act of Parliament maid anent infeſtments given for deliverie of Caſtles.*
2 *Of the aſſent of the eſtaite, for concluding of ane league, with the Queene of* England.
3 *Ratification granted to* Iames Richardſon *of* Smeetoun.
4 *Item, to the Laird of* Elphinſtoun.
5 *Item to the Laird of* Car-michael.
6 *Item, to the bairnes of the Laird of* Segie.
7 *Item, to* Alexander Wood.
8 *Item, to* Walter Dundas.
9 *Item, to* William *Commendatar of* Pettin-weeme.
10 *Item, to vmquhile Sir* Iames Balfour, *his wife and bairnes.*
11 *Item, to* William Dowglas, *of the Proveſtrie of* Lincluden.
12 *Item, to Maiſter* Edward Bruyſe, *of the Abbacie of* Kinloſſe.
13 *Item, to the Laird of* Ceſfurd, *anent the landes of* Ormeſtoun.
14 *Item, to* George *and* Andrew Haliburntounes, *of their penſiones.*
15 *Item, to* Iohn Authinleck, *of his penſion.*
16 *Item, to Maiſter* George Young, *and* Iohn Andro.
17 *Item, to the Toun of* Anſtruther, *in free Burgh.*
18 *Item, anent confirmation of fewes and Kirk-landes.*
19 *Item, in fauour of the Colledge of Iuſtice, anent the time of ſitting.*
20 *Item, of them quha maid payment to factoures.*
21 *Item, of Aduocates, to trie & conſult with perſons forefalted, anent their reſtitution.*
22 *Item, of Noble-men and vthers reſtored and receiued to the Kingis fauour.*
23 *Item, of* Iohn *Erle of* Mortoun, *his friendes and ſeruandes.*
24 *Item, of Miniſters & Maiſters of Colledges, & Schooles, concerning their reſtitution*
25 *Item, of my Lord* Hammiltoun, *as curatour to his brother.*
26 *Itẽ, of* Claud, *L.* Hãmiltoun *& certaine his friends, with exceptiõ of* W. Sinclar
27 *Item, of the bairnes naturall, of vmquhile,* Iames *Erle of* Mortoun.
28 *Item, of the Erle of* Angus, *anent the aires of* Quhite-law,
29 *Item, In fauoures of the toun of* Drum-freis.
30 *Item, of Maiſter* William Leſleie.
31 *Item, of the poſteritie of* William *Erle of* Gowrie. *Item of* Iohn Acheſon:
32 *Item, of Sir* William Stewart, *lait captaine of* Dumbarten.

33 *Item, to my Lord* Glammes.
34 *Item, of the Maiſter of* Glammes.
35 *Item, of the ſervandes of the Erle of* Mar, *and Maiſter of* Glammes.
36 *Item, of my Lord* Hammiltoun *and* Claude *Commendatar of* Paiſlay, *his brother.*
37 *Item, of the Laird of* Holmendis, *and his friendes.*
38 *Item, of Sir* Iohn Mait-land *of* Thirle-ſtane *Secretar, And* Iames Mait-land *his brothers ſonne.*
39 *Item, of* Iohn Hammiltoun *of* Drumry.
40 *Item, of* William Dowglas *of* Drumlang-rig, *anent the landes of* Armernes.
41 *Item, of* Iohn Hepburne *of* Bonchard.
42 *Item, of* Fraunces *Erle of* Erroll.
43 *Item, of* Iames Murray, *and the Ladie* Polmaes.
44 *Exception of the Erle of* Orknay,
45 *The Lord* Ding-well, *and* William Murray, *fra the Act maid anent the revocation of the Kingis propertie.*
46 *Item of the Iuſtice Clerke, anent the landes of* Wood-houſley.
47 *Commiſsion anent the fees of the ſcalles and chalmer, and ſubſcription of offciars.*
48 *Item, anent Commiſsioners of ſchires, to be ſent to the Parliament, remitted to the Kingis will and ordinance.*

FINIS.

THE ELLEVENTH PARLIAMENT HALDEN AT EDINBVRGH, THE XXIX. DAY OF IVLII, THE ZEIR OF GOD, 1587. ZEIRES. Be the richt excellent, richt heich, and michtie Prince, IAMES the Sext, be the grace of God, King of SCOTTES, with advise of his Estaites.

22 *The Kingis perfite age, is after twentie ane zeires compleete.*

ANENT The proposition maid be OVR SOVERAINE LORD, and his three Estaites conveened in this present Parliament, for declaration quhat is the perfite age of his Hienes, makand mention of ane Acte of Parliament, made be King *Iames* the Second, of gud memorie, of the daite the twentie day of *March*, the zeir of GOD, 1437. zeires. And sik-like, of the late acte maid be his Hienesse vmquhile dearest Mother, of the daite the fisteene day of *December*: The zeir of GOD, 1564. zeires: Like as the saidis Actes at mair length proportis. Desiring therefore the declaration of the saidis Actes, anent the lauchfull and perfite age of the Prince, gif it be of twentie ane zeires compleete.

OVR SOVERAINE LORDE, and his saidis three Estaites, hes declared, and declaris, that the Kingis Majesties Predecessoures, Kinges and Queenes of this Realme, were be the saidis Actes, halden of lauchfull age, at twentie ane zeires compleete: Like as OVR said SOVERAINE LORD, being now of twentie ane zeires compleete, is of perfite and lauchfull age: Swa that his Hienesse, his Predecessoures and Successoures, after the said age of twentie ane zeires compleete, micht haue done, and may do all thinges that thereafter ane Prince of lauchfull and perfite age, micht haue done, or may do of the Law.

23 *Ratification of all lawes, maid anent the libertie of the Kirk, and all vtheris in the Kingis minoritie.*

OVR SOVERAINE LORD, now after his lauchfull & perfit age of twentie ane zeires compleete, with advise and consent of his Estaites con-

conveened in this preſent Parliament ratifies, appreeuis, and for his Hienes & his ſucceſſours perpetuallie confirmis, all and quhatſumever Actes maid bee his Hienes, in the Governements of his Regentes, during his zoung age. Or ſen the acceptation of the governement of this Realme in his awin perſone; Or be his maiſt noble progenitors, anent the Kirk of God and Religion now preſentlie profeſſed, and be the Lawes eſtabliſhed within this Realme, and that the ſaid Ratification be als effectuall, as gif all the ſaidis Actes war heirin expreſſed, named and numered, and caſſis, annullis and abrogatis al lawes, Actes, and ſtatutes, cannon, ciuile, municipall, and vthers ordinances quhatſumever, maid in onie times of before, contrair or in prejudice of the ſaide trew Religion, and Profeſſoures theirof.

24 *Anent tryall and puniſhment of the Adverſaries of the trew Religion.*

OVR SOVERAINE LORD, and his three eſtaites conveened in this preſent Parliament, Ratifies & appreuis the Actes, and ſtatutes, maid of before, anent the puniſhment of the Adverſaries of Gods trew Religion, preſently profeſſed: and be lawes eſtabliſhed in this Realme: and the ſeducers and perſwaders of his Hieneſſe obedient and faithfull ſubjectes to decline theirfra. And ordainis the ſame to haue full effect, and execution in time cumming, with this addition. That quhatſoever profeſſed & avowed *Ieſuites*, or *Seminarie Prieſtes*, ſalbe fund in ony part of this Realme, within the ſpace of ane Moneth after the publication of the Actes of this preſent Parliament: ſalbe taken apprehended, called, and preſented, and incurre the paine of death, and confiſcation of all their guddes moveable. And quha-euer willingly, and wittingly receiptis or ſupplies onie of them thereafter, be the ſpace of three dayes, and three nights together, or ſeverally at three times, vpon certaine knawledge, that they are perſons of that profeſſion; and beis lauchfullie, & ordourly convict of the ſame, ſall incurre the tinſell of their life-rents. And that they, as alſwa all ſayers and hearers of *Meſſe* or prophaners of the Sacramentes; Or vtherwaies perſones ſuſpected to haue declined fra the trew and Chriſtian Religion, or refuſand to reſort to the preaching of Gods word, or quhatſumever perſon that ſal be reaſſoning, or diſperſing of buikes or letters, preſume to perſwade onie of his Majeſties ſubjectes, to decline fra the profeſſion of the ſaid trew Religion, being called to compeir, and anſwer theirvpon before his hienes and his priuie Councel: in-caſe the perſones ſa accuſed, and deliuered, or onie of them, ſalbe fund culpable, be his Hienes priuie Councel or fiue of them, his Majeſties Chanceller, and Clerk of Regiſter being twa of that number, ather be the confeſſion of the ſaidis perſones accuſed, Or be the depoſition of famous witnes: Or gif the ſaides perſons delated, being called and adjudged criminallie (in-caſe his Hienes and his Councel ſall ſwa thinke gud) & beis fund guiltie & culpable in the premiſſes: That they there-throw, incur the paine of tinſell of all their movable guides: Together with the life-rentes of their Landes and livings quhatſoever, to be vptaken and imployed to his Hienes awen vſe: and na waies to be diſponed to the perſons convict or fugitive, for the cauſes foreſaidis.

25 *The ſellers and diſperſers of erroneous buikes, ſuld be puniſhed and the buikes deſtroyed.*

FORSAMEIKLE As ſindrie perſones brings furth of vtheris Realmes divers buikes and writtes, conteining erroneous doctrine, againſt the trew word of GOD, and Religion profeſſed, and be the lawes eſtabliſhed in this Realme: Or conteining ſuperſtitious rites and ceremonies *Papiſticall*, quhairby the people ar greatly abuſed. FOR remeid quhairof, OVR SOVERAINE LORDE, and three Eſtaites of this preſent Parliament, ſtatutis and ordainis, that quhaſo-euer ony perſones ſuſpecte of hame-bringing of the ſaids buikes, ſall repaire, reſort, and remaine within ony Burgh, it ſalbe lauchfull to the Proveſt and Baillies of the ſame Burgh, with ane Miniſter, to ſearch and ſeeke the ſaidis buikes, and being funde ſik buikes as ar before declared, to deſtroy them, and to commit the hame-bringers to wairde, quhill they be puniſhed in their perſones and gudes, at OVR SOVERAINE LORDIS will. For the quhilk this preſent Act, ſalbe ſufficient commiſſion to the ſaids Proveſt, Baillies, and Miniſter: And their ſaid ſearching, ſeeking, intromiſſion, and deſtruction of the ſaids buikes, ſalbe repute ane lauchfull deede, for the quhilk they ſall incurre na danger of ſpuilzie, or intruſion, or ony thing that may follow there-upon.

26 *Miniſters provided to Benefices vnder Prelacies, ſuld be free of the firſt zeires fruites and fifth penny.*

ITEM, It is declared, ſtatute and ordaned, that all Benefices of Cure vnder Prelacies, quhair-unto Miniſters or Readers ar admitted (that actuallie ſeruis, and dois their dewties at their Kirkes) ſall in all time cumming, be free of the firſt zeires fruites, and fifth pennie of their Benefices. And ſall from this time foorth haue their Signatoures of preſentation paſt at the Privie Seale, vpon his Majeſties awin ſubſcription onely, and his Secretaris, without ony payment, or caution to his Theſaurer for the ſaidis firſt fruites or fifth-peny.

27 *Puniſhment of troublers of the Kirk, invaders of Miniſters, and of Excommunicat perſones, entrand into the Kirk.*

OVR SOVERAINE LORD, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordanis, that quhatſum-euer perſon or perſones, ſall happen here-after, to perturbe the ordour of the Kirk, in time of Diuine ſervice, or to make ony tumult, raiſe ony fraie, either in Kirk or Kirk-zaird, quhair-throw the people then conveened, ſal happen to be diſordered, troubled, or diſperſed: The ſame ſalbe ane point of dittay, and the perſones to be convict thereof, ſall tyne all their movable gudes, to be eſcheit to our SOVERAINE LORD, for their offenſe; but prejudice of greater puniſh-

puniſhment, gif there happen ony greater offenſe, as ſlauchter, bloud, mutila tion, ſchutting of Hag-buttes and Piſtolettes, according to the Lawes of this Realme. And forſameikle as divers perſones hauing committed ſindrie offenſes, for the quhilk they merite to be ſeparat from the ſocietie of the Kirk; And zit ſeekis na reconciliation there-unto, bot for neceſſitie of *Baptiſme* to their bairnes, or mariage of them ſelues, or of their friendes, ſum-times minacis and boaſtis, the ſaidis Miniſters, and ſum-times for ſeeking of their livinges, or ſik vther quarrelles, ſparis not to put violent handes on them. FOR remeid quhairof, it is ſtatute and ordaned, be OVR SOVERAINE LORD, with adviſe of the ſaidis Eſtaites; That quhatſum-ever perſon or perſones, invadis ony Miniſter, or puttis ony violent handes in him, for the cauſes aboue expreemed, or ony vther ſik forged quarrell, ſall be puniſhed therefore with all rigour, and incurre the paine of tinſell of all their moveable gudes, for the ſaid invaſion and violence allanerlie; Albeit na ſlaughter nor mutilation follow there-upon: The ane halfe of the ſaidis movable gudes, to be applied to our SOVERAINE LORDIS vſe, and the vther to the partie offended; But prejudice of greater puniſhment, gif ony heigher crime coucurre, with the violence and invaſion foreſaidis. And for the better execution hereof; It is ſtatute and ordaned, that all perſones, delated of the ſaidis offenſes, ſalbe called and preſented therefore criminallie, before the juſtice and his deputes, aither in juſtice-aires, or at particular diettes. And that letters be direct to that effect in commoun forme, at the inſtance of the Miniſter, or the Kingis Advocate, or Procuratour for the Kirk, or ony vther that will perſew the ſaidis offenſes. And quhair ony excommunicat perſones enters in the Congregation, the time of the Miniſtration of the Sacramentes, or commoun Prayers; The Miniſter being certified thereof, ſall incontinent thereafter, charge the Excommunicate perſone, in the name of GOD, and OVR SOVERAINE LORDE to depairt: Quhilk being refuſed, he ſall after the Miniſtration of the Sacramentes, or commoun Prayers ended, require ſa mony of the maiſt wiſe, diſcreete, and ſubſtantious of the Paroche, as he pleaſis: That they, in OVR SOVERAINE LORDIS NAME, ſall take and apprehend the ſaid Excommunicate perſone, and preſent him to the Iudge Ordinar, within the boundes of the ſchire, quhair the Paroche lies, quhilk Iudge Ordinar, ſalbe halden to receiue the ſame Excommunicate perſon off their handes, and keepe and reteine him in priſon, till he finde caution, vnder ſik ſummes as ſalbe modified be the Miniſter: And ſa monie of the Elders of that Kirk, as ar preſent for the time, or reſortis to the oulklie aſſemblies: That the Excommunicate perſon reconciliate him ſelfe to the Kirk, and ſall make amendis for the ſaide offenſe.

AND gif the Excommunicate perſon fore-ſaid, deforcis ony of them in the execution of the premiſſes, he being convict thereof, his moveable guddes, ſall fall in eſcheit to OVR SOVERAINE LORDE: And his perſone ſall be puniſhed, at his hienes will and pleaſure.

28 *Interpretation of the act maid anent depriuation of Miniſters.*

ITEM, It is ſtatute and ordaned, that the Commiſſion for deprivation of Perſones provided to benefices, for the cauſe of deprivation, ſall extend alſwa againſt Perſones prouided to Prelacies, as vthers inferiour benefices vnder Prelacies, to be vſed be the perſones ſpecified in the ſaid Commiſſion: Or ſik vtheris, as his Hienes ſall giue Commiſſion to, in that behalfe, for all tranſgreſſiones of the Actes maid their-anent, ſen the Parliament halden at *Linlithcow*, in *December*, the zeir of God, 1585 zeires.

29 *Annexation of the Temporalitie of benefices to the Croun.*

OVR SOVERAINE LORD, and his three Eſtaites of Parliament, perfitely vnderſtanding the greateſt part of his proper rent, to haue bene given and diſponed of auld, to Abbaies, Monaſteries, & vtheris perſons of Clergie: quhairby the Croun hes bene ſa greatlie hurt, that there-after his maiſt Noble Progenitours had nocht ſufficient meanes to beare foorth the honour of their Eſtaite, as they had before, quhilk hes bredde ſindrie inconvenientes within this Realme. And ſeeing the cauſes of the diſſolution of the patrimonie of the Croun to the Kirk, after the trueth knawin, ar found nather neceſſar nor profitable: And that be manie occaſiones, through a lang proceſſe of time, the dearth hes ſa greatlie increaſed, not only in this Realme, Bot in all Cuntries, that the Princes charges, ar not able to be vphalden be that part of the patrimonie, quhilk now reſtis in his handes: And his Hienes for the great loue and fauour quhilk he bearis to his ſubjectes; being na waies minded to greeue them with vnprofitable taxations, ſpecially for his royall ſupport. It is founde maiſt meete and expedient, that he ſall haue recourſe to his awin patrimonie, diſponed of before (the cauſe of the diſpoſition now ceaſing) as ane helpe maiſt honorable in reſpect of himſelfe, and leaſt grieuous to his people and ſubjectes.

AND THEREFORE Our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, be the force of this preſent Acte, haue vnited, annexed and incorporate, and vnitis, annexis and incorporatis, to the Croun of this Realme, to remaine therewith as annexed, and as it were propertie thereof, in all time cumming, and with our ſaid Soveraine Lord, and his Succeſſours for ever; All and ſindrie Landes, Lord-ſhippes, Barronies, Caſtles, Towres, Fortalices, Manſions, Manour places, Milnes, Multures, Wooddes, Schawes, Parkes, Fiſchinges, Tounes, Villages, Burrowes in Regalitie, and Barronnie, annuall-rentes, tennentes, reverſiones, cuſtomes great and ſmall, few-fermes, tennentes, tennendries, and ſervice of free tennentes. And all and ſindrie vtheris commodities, profites and emolumentes quhatſumever, alſwell to Burgh, as to lande, (except, as hereafter ſalbe excepted in this preſent Acte) Quhilkis at the day and dait of thir preſentis, *viz.* The xxix. day of *Iulij*, the zeir of God, 1587. zeres, perteinis to quhatſumever Arch-biſhoppe, Biſhop, Abbot, Prior, Prioreſſe, & quhat-ſumever vther Prelat, either Eccleſiaſticall, or beneficed perſon, of quhatſum-euer eſtaite, degree, high or lawe, & at the day

and at the day and dait of thir preſentes perteinis to quhatſum-ever Abbay Conuent, Cloiſter, quhatſum-euer ordour of Friers, or Nunnes, Monkes or Channones, how-ſum-euer they be named, & to quhat-ſum-euer Colledge Kirk, founded for Chantorie and ſinging; Or to quhatſum-euer Prebendarie or Chaplanarie quhair-euer they be, or be ſituate within this Realme and dominion thereof. And ſik-like, all and ſindrie commoun landes, bruiked be Chaptours of Cathedral Kirkes, and Chantrie Colledges as commoun: And quhairof the ſaidis Chaptors haue bene in poſſeſſion before in cõmountrie, to be in all times hereafter, taken, halden and repute, as it were the propertie and patrimony of the Croun, to remaine therewith in all times cumming, after the forme and tenour, and ordour of the Act of annexation, maid in the time of our Soueraine Lordis maiſt Noble Predeceſſour, King IAMES the Second; And according to al clauſes, conditions, and circumſtances theirof, quhilk in al pointes is halden for expreſſed in this preſent Act. And als it is ſtatute & ordaned, that the execution of this act, in levying and vp-taking of the profites, ſall begin and take effect, at the terme of *Martine-mes* nixt-to-cum: That our ſaid Soveraine Lord, may receiue the rentes and dewties of the ſaid terme, and ſwa foorth to continew in time cumming.

And becauſe it is nocht reaſonable, that after the ſaid annexation of the ſaid Temporall landes to the Croun, the ſaidis Prelates and Eccleſiaſtical perſons be burdened with ony taxationes, for, and in reſpect of the ſaidis annexed landes, his Majeſtie, and his Eſtaites of this preſent Parliament, hes remitted the ordour to be taken for their reliefe in that behalfe, to certaine perſones to quhom the ordour of the generall taxation of all landes within this Realme is committed. Quhilk ordour to be taken, ſalbe obſerued in al time cumming, and the heritable poſſeſſoures of the ſaidis landes, and vtheris addebted in taxationes, ſall pay their taxt, according thereto. Taxation.

AND Further, it is declared, decerned, ſtatute and ordaned, be our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, that in-caſe ony of the ſaidis Prelates, or perſones Eccleſiaſticall, quhais Temporall landes ar properly comprehended in the ſaid annexation, ſalbe hereafter called and preſented, at the inſtance of quhat-ſum-euer perſones, for warrandize of ony of the ſaidis Kirk-landes, ſett in few, or takke be them, or their predeceſſoures to divers perſones, be occaſion of double infeftmentes, or aſſedationes: or for quhat-ſum-euer vther cauſe, they, and their ſucceſſoures ſall na waies bee obliſhed to warrand the ſame, bot for their awin deed: to wit, quhair the warrandize proceedis, and takis occaſion vpon double infeftmentes, or aſſedationes of ane land, baith proceeding from ane perſon diſponer thereof, zit on liue; In quhilk cauſe allanerlie, they ſalbe obliſhed, as ſaid is. Warrandize

IT IS Alſwa concluded, ſtatute and ordaned, be our ſaid SOVERAINE LORDE, and his three Eſtaites of Parliament, that the ſaid annexation ſall haue full ſtrength, force and effect, in all Lord-ſhippes, tennendries, Barronies, and vther Temporall Landes, quhilk perteined to ony Prelacie, or vther Benefice, poſſeſſed before, be quhat-ſum-ever Prelate or Eccleſiaſticall perſon, againſt quhome proceſſe of fore-faltour, or Barratrie hes bene led at ony time, ſen our ſaid Soveraine Lordis Coronatioun; Albeit Perſones convict of barratrie & reſtored.

Albeit they haue bene in ony Parliament before, or ſalbe now in this preſent Parliament, or hereafter ſullelie reſtored againſt the ſaidis ſentences, and proceſſe, and their reſtitution ſall haue na effect, againſt the ſaid annexation: bot the ſaid annexation, ſall haue effect againſt them, notwithſtanding the ſaid reſtitution.

Fewes to be ſet be the King.

IT Salbe alwaies lauchfull to our ſaid Soveraine Lord, in his awin time, to ſett in few-ferme, quhatſum-euer the ſaidis Kirk-landes, quhilkis were not ſett in few-ferme before, gif ony be. And ſik-like, gif ony in-feftmentes of few-ferme of the ſaidis landes, now annexed, quhilkis were ſet in few-ferme before, ſall happen to be retreited and reduced, for the reaſones and cauſes hereafter expreſſed: Quhairin his Hienes and his Succeſſoures, ſall onely be heard to quarrell and claime. It ſalbe lauchfull to his Hienes in his awin time, as ſaid is, to ſett the ſame in few-ferme, notwithſtanding the ſaid annexation. And to the effect foreſaid, the ſaid proviſion ſall ſerue for a ſufficient diſſolution in that behalfe, and his Hienes, and his three Eſtaites foreſaidis, diſſoluis the ſame in that part.

Diſſolution.

Exceptions

AND Sik-like, it ſalbe lauchfull to our ſaid Soveraine Lord, to vſe the ſuperioritie and few-fermes of the landes of *Tullois*, the milne of *Craquhy*, millandes and ſucken of the ſame: The landes of *Corſtoun* quhilkis perteined to the Abbacy of *Aberbrothock*, lyand within the Schireffe-dome of *For-fare*, and Regalitie of *Aberbrothock*, as ſall ſeeme gude to his Hienes. And that the converſion of the victuall in money, or diminution of the rentall, ſalbe na cauſe of reduction of the infeftment, the ſaid annexation, or ony clauſe, or condition therein conteined notwithſtanding.

FVRTHER, Our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, hes declared, and be the tenour hereof declaris, decernis and ordanis, that the landes, lord-ſhippes and barronies vnder-written, erected be his Hieneſſe in temporall lord-ſhippes and barronies, before the dait of this preſent Acte, quhilk is the xxix. day of *Iulij*, the zeir of God, 1587. zeires, ar not, nor ſal not be comprehended in the ſaid annexation: excluding the ſame alluterly their-fra, to remaine with the perſons to quhome they were firſt diſponed, after the forme & tenour of their infeftments, maid to them theirof. They ar to ſay; The lands, & lordſhippes of *Torphichin*, The Erle-dome of *Gowrie*, The Lord-ſhippe and living of *Deir*, now called the lord-ſhippe of *Altrie*. The landes & barronies of *New-bottle*, with the vther landes annexed thereto: the barronies of *Brouchtoun* & *Kerſe*, the Burgh of the *Cannon-gate*, & ane part of the Toun of *Leith*, the Barronie of *Alhammer*, *alias* called *Quhite-Kirk*: Quhilkis of before, perteined to the Abbacie of *Halyrude-houſe*. The landes and lord-ſhippes of *Muſſel-burgh*, quhilkis of before perteined to the Abbaie of *Dumfermeling*. Quhilkis lands and lord-ſhippes ar diſponed to diuerſe perſones, as their particular infeftmentes bearis: And als excepted the haill remanent landes of the Abbay of *Dumfermeling*, declared as zit to abide with the ſaid Abbay, in the ſame eſtait, quhairin they then were, and ar not comprehended in the annexation fore-ſaid: Bot to remaine with the ſaid Abbay, in the ſame eſtaite, quhairin they then were, and ar not comprehended in the annexation fore-ſaid. Bot to remaine with the ſaid Abbay, quhill

forder

forder ordour be taken. As alſwa excepted foorth of the ſaid annexation of Kirk-landes to the Croun: The infeftment of the Temporalitie of *Paiſlay*: And the Priorie of *Pluſcarden*, and temporalitie theirof. It is alwaies provided, and our ſaid Soveraine Lord, with adviſe of his ſaidis three Eſtaites in Parliament, & declaris, that notwithſtanding the ſaid annexation is appointed to take effect in maner fore-ſaid, At the Feaſt of *Martine-mes* nixt-to-cum: Neuertheles IOHN, Lord HAMMILTOVN, Commendatar of the Abbacie of *Aberbrothock*, ſall bruik the fruites, profites and dewties of the ſaid Abbaie, during his life-time, in the ſame maner as he did before. Except the profites of the landes of *Craquhy*, and milne thereof, the landes of *Tullois* and *Corſtoun*, few-fermes, and dewties of the ſame; For the quhilk he ſalbe recompenſed, according to the generall ordour to be taken with the remanent Eccleſiaſtical Perſones, quhais rent is paired, be the ſaid annexation, according to the Act and ordinance maid there-upon.

IN LIKE MANER, OVR SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites, ratifies and appreevis the gift and diſpoſition maid be his Hieneſſe to *Iohn Both-well* ſonne lauchfull to *Adame*, Biſhoppe of *Orknay*, of the Abbacie of *Halyrude-houſe*, and haill fruites thereof, with the haill free-domes, juriſdictions, liberties, rentes, proventes, and emolumentes of the ſame, with the haill reſervationes, clauſes, conditiones, and circumſtances of the ſame, after the tenour theirof; As the ſame of the daite, the tenth day of *December*, the zeir of GOD, 1582. zeires bearis; Declaring the ſame to be ſufficient and vailzeable to him, for bruiking and vſing of the ſaid benefice and haill fruites thereof, induring his life-time.

Notwithſtanding, quhatſum-euer Actes, conſtitutiones or lawes, Civill, or municipall, maid in the contrair, diſpenſand there-with, and effect theirof; And that this preſent ratification, be als ſufficient, as gif the ſaid gift and diſpoſition had bene excepted in ſpeciall, in the ſaidis Actes, or ony of them. And this alwaies to be without derogation of the Acte of annexation, of the temporalities of Benefices to the Croun: or of quhatſum-euer richtes and titles maid be them, or ather of them, in fauour of quhatſum-euer perſones, quhilk be this, his Hieneſſe meanis nawaies to prejudge; Bot the ſame to ſtande ratified and appreeved, in their full ſtrength and force, as gif they were ſpeciallie mentioned herein.

IT IS Alwaies vnderſtand, like as our ſaid Soveraine Lord, and his three Eſtaites declaris, that vnder the ſaid annexatiō or ony clauſe herein ſpecified: the teind ſcheues & vthers teindes of quhatſumeuer lands, within this realme perteining to ony Perſonage or Vicarage, ar not, nor ſal not be comprehended: Except quhair the teind and ſtok is ſett togidder, as is hereafter declared; Bot that the ſame ſall remaine with the preſent poſſeſſour, having richt thereto, and quha ſall haue richt to the ſame hereafter: Notwithſtanding the ſaid annexation, or ony generall clauſe therein ſpecified, quhilkis ſall nawaies be extended to the ſaidis tennendes, mair nor gif the ſaid annexation had nawaies bene maid. Teindes

Reſervand alwaies, & exceptand to al Archbiſhoppes, Biſhoppes, Abbotes, Priores, Prioreſſes, Commendatars and vther Poſſeſſores of great Benefices, Prelates houſes.

of

of the eſtait of Prelates, and quhilkis before had, or hes voite in Parliament, their principle Caſtles, Fortalices, houſes and manſiones, with the bigginges and zairdes thereof, as they lie and are ſituate within the precinctes and clauſures of their places, quhilkis ſall remaine with them, and their ſucceſſoures hereafter, for their reſidence and habitation. Notwithſtanding the ſaid annexation, quhilk ſall na waies include the ſame; But the ſame Caſtles, houſes, manſiones, and vtheris immediatlie before rehearſed, ſall abide in the ſame eſtaite, quhairin they were before the ſaid annexation, but prejudice or hurt to be meaned or intended to the ſaidis Prelates, or ony vther perſones, that they may haue or juſtlie pretend richt thereto. Providing alwaies they keepe and maintaine the ſame, in the eſtait quhairin they preſently ar.

Glebes and Manſiones

EXCEPTAND alſwa foorth of the ſaid annexation, all and quhatſumeuer manſiones of Perſonages & Vicarages annexed to Paroche Kirkes with four aikers of glebe, maiſt eweſt to the Kirk, and commodious for the Miniſter, ſerving the cure theirof, for his better reſidence there-at, quhilk ſall not be, nor ar not comprehended in the ſaid annexation: Bot ſall remaine with the Miniſter, Perſon or Vicar, or vther quha ſalbe provided thereto, for ſerving of the cure, according to the Actes of Parliament maid there-anent of before.

Colledges, Schooles, Miniſters within Burgh.

EXCEPTAND In like maner, all and ſindrie landes, profites, tennentes, annual-rentes, teind-ſcheues, and vther commodities and profites quhatſum euer, giuen, granted, and diſponed for interteinement of Maiſters and ſtudentes in Colledges, erected for exerciſe of learning, and for *Grammer* Schooles, and for ſuſtentation of Miniſters; Makand their reſidence in Burrowes, quhair there is na vther ſtipend appoynted to them.

Hoſpitalles and Maiſon-dieus

AND ſik-like, exceptand and reſervand, all landes, tennentes, profites, annual rentes, & commodities quhatſumever, granted before the dait hereof, be our Soveraine Lord, or quhatſum-euer his Hieneſſe Predeceſſoures; Or be quhatſum-euer vtheris perſones, to ony Hoſpital or Maiſon-dieu, within this Realme; And that in favoures of the Puir and needy: Providing that the ſame be not diſponed nor applyed to ony vther vſe.

Laik patronages.

AND Finallie, exceptand and excludand foorth of the ſaid annexation, all landes, barronies, tennementes, annual-rentes, and vtheris commodities quhatſum-euer, quhilkis perteined of before, to quhatſum-euer Benefice, great or ſmal, being of laïck patronages. To the quhilk the ſaid annexation ſal nocht be extended, nor comprehend the ſame: To the effect that nane of the ſaidis laïck patronages be hurt nor damnified thereby.

Superioritie

AND Notwithſtanding, the ſaid generall annexation of al landes, lordſhippes, barronies, tennementes, annual-rentes, and vtheris commodities aboue ſpecified (except before excepted) to the Croun of this Realme, to remaine therewith, as it were proper Patrimonie thereof in all time cumming: It is be this preſent Acte ſpeciallie provided, that quhen the ſaids landes, and vthers aboue ſpecified, or ony part or portion theirof, great or ſmall, ar ſett in few-ferme, takke & aſſedation: or ar diſponed in free tennendrie, in blanch cane, or for ſervice of wairde & reliefe, or vtheris waies, as may ſtand and aggree with the Lawes of this Realme: The ſaidis heritable free tennentes,

few-

fewares, takkes-men & vtheris righteous titulares thereof, ſal bruik & injoy their lands, lordſhipps, barronnies, tenements, annual-rentes, & their vther rights & titles quhatſum-euer, after the forme & tenour of the ſame in all poynts: And our ſaid Soueraine Lord, and his Hieneſſe Succeſſoures, ſalbe hereafter immediat ſuperiour to them: Like as they ſall becum, be vertew of this preſent Act, immediat tennentes and vaſſalles to his Hieneſſe, and their ſucceſſoures, in their ſaidis Lord-ſhippes, landes and tenementes, for payment of the dewtie and ſervice, conteined in their infeftments, takkes and aſſedationes, and vtheris richtes and titles theirof; in the ſame ſort and maner, as they micht haue bene obliſhed to the ſaidis Eccleſiaſticall perſones, and na vther waies. And that be the ſame infeftmentes, takkes, richts, and titles, quhilkis the ſaidis poſſeſſoures hes of the ſame: They ſall bruik, joys and poſſeſſe their ſaidis landes. And it ſall not be neceſſar to them; to alter their ſaidis infeftmentes and richtes: Nor to take the ſame of new of OVR SOVERAINE LORD, Notwithſtanding the tranſlation of the ſuperioritie in his Hieneſſe.

AND Becauſe there ar divers penſiones, granted to mony perſones foorth of the ſaidis annexed landes, aſweill be the ſaidis Prelates, and vtheris Eccleſiaſticall perſones, as be OVR SOVERAINE LORDE, the benefice vaikand in his Hienes handes, ather throw deceaſe, or be proceſſe of fore-faltour or barratrie, led againſt the poſſeſſour of the Benefice. OVR SOVERAINE LORD, and his ſaidis three Eſtaites of Parliament, decernis, and declaris: That the ſaidis penſioners, ſall na waies be hurt nor prejudged in their ſaidis penſiones (they being lauchfullie provided thereto) be the ſaid annexation. Swa that the ſaidis Penſioners haue bene authorized be decreetes of the Lordes of Councell, or vther Iudges ordinar: Or haue bene in lauchfull poſſeſſion of their penſiones, at ony time preceeding. Penſiones.

ITIS Alwaies declared and decerned, be our Soveraine Lorde, and his ſaids three Eſtaites in Parliament; That in al & ſindry lands, lordſhipps, tenementes, annual-rentes, vthers profites & commodities quhatſumeuer, properly comprehended in the ſaid annexation: Our ſaid Soveraine Lord, and his Succeſſours, ſall haue the only and full richt of the ſuperioritie of the tennendries, ſik-like, and in the ſame maner, as the ſaidis Eccleſiaſticall perſones had the ſame of before. And that the aires of the preſent heritable poſſeſſoures in all time cumming, ſall enter be Brieues of our Soveraine L. Chappel allanerly: quhilks brieues, ſalbe direct to the ſhireffe of the ſchire quhair there was na Regalitie before. And quhair there was ony Regalitie quhilk hes now ane heritable Baillie or ſtewart, the ſame ſall be directed to the ſaid Baillie or ſtewart and their deputes. After the ſeruice of the quhilk brieve, the ſamin being retoured to OVR SOVERAINE LORDS Chancellary, quhidder the ſaidis landes lie in Royaltie, or Regalitie: The partie ſal haue precepts to be ſeaſed, haldē of our ſaid Soveraine lord according to his retour, be the ſame conditiones, as our ſaid Soveraine Lordis vthers tennentes haue bene ſeaſed be preceptes, direct furth of the Chancellary of before. In the quhilk precept commandement ſall be given, to The entring of aires.

the Schireffe, Steward or Baillie, to quhom the ſame ſalbe directed, to take ſecuritie for the dewtie awand to our ſaid Soveraine Lord, as the cauſe ſall require be the retoure; As the cuſtome hes bene in the Kingis tennendries in times by paſt.

Reduction of infeftmentes. AND BECAVSE OVR ſaid SOVERAINE LORDE, and his Succeſſoures, ar decerned and declared be the tenour hereof, to haue the full richt to the ſuperioritie of the ſaidis tennendries of Kirk-landes: IT IS THEREFORE ſtatute and ordaned, that his Hieneſſe and his Succeſſoures, ſall haue ſufficient richt, action and intereſt, for compelling of all and ſindrie the ſaidis tennentes, nowe preſentlie being, and their aires and ſucceſſoures that ſalbe for the time; To pay the dewties, and do the ſervices conteined in their infeftmentes, in all time cumming. AND in-caſe the clauſſes and conditiones of the ſaidis infeftmentes, be contraveened, his Hieneſſe and his Succeſſoures ſall haue Action to retreit and reduce, the ſaidis infeftmentes, according to the clauſſes, conditiones and reſtrictiones ſpecified theirin; of ony fauſt, offenſe, or contravention, that ſalbe done, or committed in time cumming allanerlie. And his Hieneſſe and his Succeſſoures, ſall not haue action, title, power or richt, to call ony of the ſaidis infeftmentes or takkes and aſſedationes of ony of the ſaidis Kirk-landes, quhilkis ar maid be them quha had power to make the ſame, or ony richt or title depending thereupon in queſtion: Nor zit to perſew the reduction, annulling or expyring there-of: Nor zit ſall his Hieneſſe, nor his Succeſſoures haue onie maner of Action, richt or title, to retreit, reduce or annull, quhatſum-euer infeftmentes, of the ſaidis Kirk-landes, dewlie and lauchfullie confirmed be him or his Predeceſſoures, ather of diminution of the rentall: Swa that the ſaid diminution be nocht of the auld penny-maill, *de liquido ad liquidum*: And his Majeſtie and his Succeſſours, ſall nawaies be heard to quarrell the ſaidis infeftmentes of few-ferme, for converſion of the victuall in ſilver deutie: Or for ony vther reaſon or cauſe of nullitie, invaliditie, leſioun or hurt: Or be reaſon of quhatſum-euer law, cannon, municipall, ſtatute or conſtitution: Except in the cauſes foreſaidis, for none-payment of the ſaidis dewties, and dew ſervices in time cumming: According to the reſtrictiones conteined in the ſaid infeftmentes.

AND ALS Except, and quhair OVR ſaid SOVERAINE LORDE, and his Succeſſoures, may haue querrell, or imprieue the ſaidis infeftmentes, gif ony of them be fals and feinzied: In the quhilkis cauſes allanerly his Hieneſſe and his Succeſſours, ſall haue place to perſew, and be the tenour of this preſent Acte, ar, and ſalbe expreſſie and continuallie excluded fra all vther action, cauſe and perſute, except the cauſes forſaidis.

The fewares ſall bruik their lands conforme to their infeftment AND Mairouer, our ſaid Soueraine Lord, And his three Eſtaites in Parliament, for the greater aſſurance to the ſaidis fewares and freetenents, declaris that it ſal not be leſū to him nor his ſucceſſoures: And that his hienes nawaies means nor intends, directly nor indirectly, to harme or pre-

prejudge, the ſaidis fewares and free tennentes, their aires and ſucceſſoures in their roumes and poſſeſſiones, perteining to them for ony cauſe, except for the ſpeciall cauſe aboue excepted; Bot that they ſall bruik their ſaidis landes, fewes and tennendries, als freelie in all reſpectes, for payment of the dewtie, and ſervice conteined in their infeftmentes: as onie his Lords, Barronnes, fewares, and frée-tennentes, quhilkis was immediat vaſſalles of auld, hes bruiked and joyſed their ſaidis landes and heritages: Or preſently bruikis or joyis the ſame, but ony difference hereafter.

Fewes ſett *cum decimis inclusis.*

AND Becauſe the teind-ſcheeues, and vther ſmall teindes of all landes within this Realme, ar expreſlie excepted foorth of the ſaid annexation, and the ſame na waies extended thereto. And thereby it is conſidered, that queſtion may fall out, anent the payment of the few-fermes of the Kirk-landes, to our Soveraine Lord, quhair in ane infeftment, the landes and teindes is ſett togidder for ane dewtie; And but diuiſion or diſtinction, how meikle ſalbe payed for the ſaid land, and how meikle for the teind: quhilk may ſeeme hurtfull to ſik as hes the landes ſett to them, with the teindes included: And to the Eccleſiaſtical Perſones, to quhom the teindes ar reſerved. FOR Auoyding of the quhilk queſtion; our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, decernis and declaris, ſtatutis and ordainis, that the comprehendiug of the ſaidis teindes, and including the ſame with the Landes, ſall na waies bruik OVR ſaid SOVERAINE LORDIS ſuperioritie foreſaid: Bot his Hieneſſe ſall remaine ſuperiour to the haill tennendrie, ſtock and teind, after the forme of the infeftmentes. And that the richt of the ſaid infeftment, ſall ſtande indiviſible, ſa farre as concernis the halding and tennendries. Bot the ſaid Eccleſiaſtical perſone, ſal haue action and richt to the tenth-penny of liquidat mailles, conteined in the ſaid infeftment. And the vther nine parts theirof, ſall perteine to OVR SOVERAINE LORD: And this to be nocht onelie of the penny-maill, but of all vther dewties, that ſuld be payed for teind and ſtock; To witt, that nine partes theirof, ſall perteine to OVR SOVERAINE LORDE: And the tenth-part be iuſt eſtimation, ſall apperteine to the ſaid Eccleſiaſticall Perſon. And that al the judges and miniſters of his lawes, within this Realme, judge and decide according to this ſtatute, and na vtherwaies, how oft as that queſtion ſalbe mooved, vpon the caſe fore-ſaid.

Burrowes of Regalitie & Barronie.

AND Forſameikle, as there is diverſe Burrowes in Regalitie and Barronnie, within this Realme, quhilks were before halden immediatlie of the ſaidis Prelates, and haue bene in vſe to exerce the trade and trafficque of merchandiſe: To make Burgeſſes, and to elect Proveſtes, Baillies and vthers Officiars, meete & neceſſar for the governement of their Cõmunities; Our ſaid Soveraine Lord, and his ſaidis three Eſtaites in Parliament, na waies willing that they ſalbe hurt therein, declaris, decernis, and ordanis, that they ſal remaine in the ſame free-doome and libertie, quhilk they had before the ſaid annexation, to be halden alwaies of our ſaid Soveraine Lorde, in the ſame maner and condition, be the quhilk they held their ſaidis liberties of the ſaidis Eccleſiaſticall perſones before, and na-waies hurt in their rightes

and priviledges. And that the ane ſort and the vther be not confounded be this preſent Act, bot remaine alwaies diſtinct, as they were in time by-paſt: notwithſtanding the ſaid annexation. It is alwaies provided, ſtatute and ordaned, that the Proveſt, Baillies, Councell and vtheirs Officiars, within the ſaid Burrowes, in Regalitie and Barronie, quhair they were Proveſt and Baillies of before: ſalbe zeirly elected, choſen, depoſed and altered, according to the forme and tenour, of the actes of Parliament, maid in the daies of our Soveraine Lordis maiſt Noble predeceſſoures, and ratified in divers Parliaments, ſen his Hieneſſe Coronation.

Annuall rents within the ſaid Burrowes.

FORDER, the ſaids Burrowes in Regalitie, and Barronie, & all lands, tenementes, & annual-rentes, within the libertie of the ſame, quhilks were halden of the ſaid Eccleſiaſticall perſones before, ſall fra this preſent be halden of our ſaid Soveraine Lord, and his Succeſſours in chiefe, and the aires ſalbe entered thereto, be our ſaid Soueraine Lords Brieues, to be direct to the ſaidis Proueſt and Baillies, of the ſaidis Burrowes: and the ſeruice ſalbe retoured to his Hienes Chancellary. Vpon the quhilk retoure, the Director ſall deliuer ane Precept, in competent and dew forme, with proviſion of ſecuritie, to be taken for the mailles and dewties of the ſaidis landes, and annuall-rentes, as they ſalbe retoured: Becauſe the ſaidis Burrowes, ar not his free Burrowes Regall, and were not reliued of their none-entries, at the handes of the ſaidis Prelates, their ſuperiors, in times by-paſt: And quhair the Prelate received reſignation, or gaue entres; That the Kingis Majeſtie ſall giue it now be ordour of his Chancellary, and quhair the power was in the handes of the Baillies of the Burrowes within Regalities, that thy bruik and enjoy their richt and priviledge, as of before.

Heretable Baillies & Stewardes.

AND Becauſe the ſaidis landes, lordſhippes, and barronies, quhilks before perteined to the ſaidis Arch-biſhoppes, Biſhoppes, Abbotes, and vtheris Prelattes: There is diverſe our Soveraine Lordis lieges, conſtitute heretable Baillies and Stewardes of the ſaidis Lordſhippes and Regalities: Quhilkis heritable Baillies and Stewardes, our ſaid Soveraine Lord intends not to hurt, be the ſaid annexation. Therefore our ſaid Soueraine Lord, and his ſaidis three Eſtaites of Parliament, declaris, decernis, ſtatutis & ordanis, that the ſaid heritable Baillies and Stewardes, & their aires and ſucceſſours, ſal now and hereafter abide and remaine, in their richt and title, quhilk they haue of the ſaidis Offices, except in the change of their ſuperior, in our Soveraine Lord and his Succeſſoures, quhilks in all time hereafter ſalbe there immediat ſuperiour. Like as the ſaidis heretable Baillies and ſtewardes ſall be their immediat tennents, & vaſſalles of their ſaids offices: after the forme & tenour of their infeftmēts, & for doing of the ſervice ſpecified in the ſame.

Their juriſdiction.

Further the ſaidis heretable Baillies and ſtewards, ſal notwithſtanding the ſaid annexation, haue the ſame libertie, power, & juriſdiction, quhilk they had before in actiones & maters Civill: And be the ſaid annexation, there ſall na furder power, juriſdiction or authoritie, apperteine to our ſaid Soveraine Lordis ſhireffes, nor accreſce vnto them: Bot their ſaid power & juriſdiction, ſall remaine in the ſame eſtaite, limited as the ſamin is, at this preſent, according to the auncient Lawes, and conſuetude of this Realme.

AND

AND furder, the ſaid heritable Steward or Baillie of the ſaid Regality, ſall haue the ſame power quhilk he had before, to replege from the Schireffe or his deputes, in all cauſes and actiones criminall or Civill, quhair replegiation was granted of before; And gif the ſaid ſchireffe and his deputes refuſis to admitte the ſaid replegiation, he and his deputes ſalbe puniſhed therefore, & his proceſſe led in the contrair, ſalbe of nane availe. And in cauſes criminall, the ſaid Baillie or Steward of the Regalitie, ſalbe judge competent in all maner of crimes, quhairin the Lord or Baillie of the Regalitie was accuſtomed to be Iudge in times by-paſt. And albeit our Soveraine Lordis Iuſtice generall, Lieu-tennent, or Iuſtice in that part, be ſpeciall commiſsion, ſummound the offender, indweller of the Regalitie; to compeir before them, to vnderly the law for the crime, for the quhilk he ſalbe delated; The ſaid Baillie or Steward of the Regalitie, ſall haue power to replege fra our ſaid Soveraine Lords juſtice foreſaid, to his awin court; In-caſe he haue prevented be apprehending of the offenders perſon, or be his Summoundes, firſt directed and execute againſt the offender, before our ſaid Soveraine Lordis Iuſtice, apprehended the perſon ſuſpected or delated for the offenſe and crime: Or execute ſummoundes vpon him, to vnderly the law therefore. Bot our ſaid Soveraine Lordis juſtice generall Lieu-tennent, or commiſsioner ſalbe judge cõpetent, in-caſe of prevention vpon his part, be the apprehenſion of the treſpaſſour, or firſt execution, of the ſummoundes againſt him, and in that caſe the ſaid Baillie and Steward of Regalitie, ſall haue na power to replege; Bot gif he pleaſis, he ſalbe adjoyned to the Kingis juſtice, and Iudge with him. And in-caſe of conviction, the ſaid Baillie and Steward heritable, aſſiſtand to the judgement, ſall haue ſik part of the eſcheit, as he may claime be vertue of his Office, and infeftment given to him there-upon. And it is alſwa decerned, ſtatute and ordaned, that na Baillie nor Steward heritable, of ony Regalitie, ſall hereafter be heard to replege fra our ſaid Soveraine Lordis juſtice air, halden be his juſtice general: Bot he ſalbe adjoyned, gif he pleaſis, to the kings juſtice, and ſall haue ſa meikle of the vn-law and penaltie of the perſones delated, as he aucht to haue be the richt of his infeftment.

IN Like maner, it is ſtatute, that in all hoſtes and armies, the inhabitantes of the landes within the ſaidis Baillieries and Stewardries, ſal be vnder the commandement of the ſaidis Baillies and Stewardes heritable, in ſik maner as they were woont to aſſemble, with the ſaidis Prelates and Baillies, in time by-gane. As als ſall giue muſters at their weapon-ſchawinges before them, according to the Acte of Parliament, vnder the paines conteined therein, to be vp-lifted to the ſaidis baillies and ſtewardis vſe. Of weirefare & weapon-ſchawinges.

AND Mair-attour, it is ſpeciallie provided, that notwithſtanding of the annexation of the temporalities of benefices to the Croun: Zit the conventuall brether, of the Abbay of *Dumfermeling*, ſall na waies be prejudged and hurt anent their Livinges, Portiones, penſiones, zairdes and dewties of the ſaid Abbay: Bot that they and everie ane of them may peaceablie bruik, ioyis and vplift their portiones, penſiones, livinges, zairdes and dewties of the ſame Abbay, during their life-times; Conforme to their giftes Exceptions

ſpecial aſſignations thereof, and to OVR SOVERAINE LORDS ratification and confirmation there-upon in all poyntes.

THE Quhilk day, OVR SOVERAINE LORDE, ſittand in judgement in plaine Parliament, be his declaration maid in preſence of his three Eſtaites, ſaved and reſerved to him ſelfe, libertie and priviledge to except and reſerue foorth of the Actes of the annexation of the Temporalities of benefices to the Croun, of the ſatisfaction of the temporalities annexed, of his hienes revocation general, & of the ratificatiō of the pacification, and abolition, all ſik perſones, cauſes and matters, and with ſik proviſiones, limitationes and reſtrictiones, as to his Majeſtie ſall ſeeme expedient. Quhilkis his Hieneſſe ordainis and commandis his Clerke of Regiſter, to inſert and incorporate within the bodies of the ſaidis Actes. The ſamin exceptiones and reſervationes being delivered to him, ſubſcribed be his Hieneſſe, and his Chanceller, before the fifteenth day of *Auguſt* nixt-to-cum.

AND Further, OVR SOVERAINE LORDE, According to the libertie and priviledge ſaved to himſelfe, ſittand in Iudgement, in plaine Parliament, hes excepted foorth of the ſaid generall annexation, the Temporalities of the Abbacies of *Coldinghame*, and *Kelſo*, and Celle of *Leſmahago*: Declaring them as zit to remaine with the ſaidis Abbaies and Celle, in the ſamin eſtaite, quhairin they then were. And that they were not comprehended in the annexation foreſaid: Bot to remaine with them quhill furder ordour be taken. And hes declared, that it ſall be lauchfull to his Hieneſſe, to vſe the ſuperioritie and few-fermes of the landes of *Lethame*, lyand within the Schireffe-dome of *Fiffe*; Being a parte of the Patrimonie of the Biſchopprick of *Saint-Andrewes*: All and ſindrie the landes and vtheris, after ſpecified, quhilkis ar ane parte of the Patrimonie of *Lincluden*: They ar to ſay, the fiue marke-lande of little *Dryburgh*: The fiue marke-lande of *Drum-iarg*: The fiue marke-land of *Ernphillane*: The fiue marke lande of *Ernecrage*: The fiue marke land of *Blarome*: The fiue mark land of meikle *Dryburgh*: The fiue mark land of *Chapman-toun*: The fiue mark land of *Blackerne*: The fiue mark land of *Erneminzie*: The fiue mark land of *Culnotrie*: The corne milne of *Corſ-Michael*: The fiue marke land of *Garrantoun*: The twa mark land and ane halfe of *Black-parke*: All liand within the Barronnie of *Corſ-Michael*, and Stewartrie of *Kirkcudbright*. The fifteene ſchilling land of *Staikfurde*: The fourtie ſchilling lande of *New-toun*: The mark land of *Clunie*, and *Skellingholme*: The ſex mark land of *Carrauchtie*: The ſex mark land of *Drumganis*: The fiue marke land of *Troqueir*: The mark land of *Stocholme*: The fiue mark land of *None-land*: The fiue mark land of *Cruif-ſtanes*: The ſax mark land of *Holme*: The twentie ſchilling lande of *Maricholme*: The four mark lande of *None-holme*. All lyand within the Barronnie of *Drumſleit*, and *Stewartrie* foreſaide. Togidder with all Caſtelles, Towers, Fortalices, Manour-places, houſes Bigginges, Orchardes, Milnes, Zairdes, Wooddes, fiſchinges, partes, pendickles, annexes, connexes, out-ſettes, tennentes, tennendries, and fermes of few-fermes, canes, cuſtomes, ſervices, caſualities, and vther com-

commodities quhat-ſumever.

And gif it ſall happen, OVR ſaid SOVERAINE LORDE, to diſpone ony of the landes, Milnes, and fiſchinges of the ſaid Proveſtrie, quhilkis ar comprehended in the ſaid annexation: Or quhilkis ar now excepted and reſerued, as ſaid is, and ſalbe hereafter dimitted in his Hieneſſe handes, be the Proveſt and Prebendaries theirof; THAT Gif his Hieneſſe converted the fermes, or victuall in ſiluer; The ſame ſall be na diminution of the rentall, or cauſe of reduction of the ſaidis infeftmentes, to be maid thereof.

And als hes declared, and declaris, that it ſall be lauchfull to his Hieneſſe, to vſe the ſuperioritie and few-fermes of the landes of *Lurg*, and *Kincardin*, with ſeventene aiker of land, quhilkis landes ar of the Abbacie and Lord-ſhippe of *Culroſſe*: And the preceptorie of SAINT-ANTONIS in *Leith*: And Chaplanarie of SAINT-IAMES, at the *New-hauen*, landes, teyndes, and annualles of the ſame, as ſall ſeeme gude to his Hieneſſe. AND Als declaris, that notwithſtanding the ſaid annexation, appoynted to take effect, in maner foreſaid, at the Feaſt of *Martine-mes*, nixt-to cum; That Maiſter ROBERT DOVVGLAS, Proveſt of *Lincluden*, and DOVVGLAS, Sonne to the Laird of *Drumlang-rig*, his ſucceſſour, ſall bruik the fruites, profites and dewties of the ſaid Proueſtrie, during their life-times, in the ſame maner as they did before.

AND Alſwa Ratifies & appreevis the proviſion maid to DOVVGLAS, Sonne to the Laird of *Drum-langrig*, of the Proveſtrie of *Lincluden*, And that the act of ſatisfaction, ſalbe extended in his fauour, declaring the ſame proviſion to be ſufficient, for bruiking and joyſing of the ſaid Proveſtrie, and haill profites thereof: Notwithſtanding, quhat ſumever Actes conſtitutiones or lawes, Civill or municipall, maid in the contrair, diſpenſand there with, and effect theirof.

AND SIK-LIKE Excepts foorth of the ſaid annexation, The landes and vtheris vnder-written, quhilkis ar an part of the patrimonie of *North-Berwick*: They ar to ſay, all and haill, the place quhair the Abbay Kirk and Cloiſter of *North-Berwick* ſtude of before, quhilk is nowe ruinous, and was no Paroch Kirk. And als al & ſindry the lands of the heuch of *North-Berwik-Law*, the *Law* meedow. The milnes of *Kinkeith* with the croftes thereof, the vther four croftes of land, ſum-time occupied be ROBERT HVME of *Heuch*, with their pertinentes, lyand on the *South* ſide of the Burgh of *North-Berwike*. All and haill the *Weſt* part of the Toun of *North-Berwike*, called the *Nunne-gate*, lyand vpon the Weſt ſide of the burne, called the *Clartie-burn* with all and ſindrie Landes, tenementes, houſes, bigginges, out-ſettes, tailles, barnes, zairdes, and vtheris pertinentes thereof. All and haill, the twa husband-lands in *Bone-ſtoun*, with their pertinentes. All lyand in the Schireffe-doome of *Edinburgh*, and Conſtabularie of *Hadingtoun*. All and haill the landes of *Montcreiſe*, the Landes of *Alderny*, The landes of the *Grange*, with their pertinents, all lyand within the Schireffe-doome of *Fiffe*, with houſes, bigginges, manſiones, fortalices

zairdes, Orchardes, fermes of few-fermes, tennentes, tennendries, pairtes, pendickles, and pertinentes, of all and ſindrie the foreſaids lands. Quhilkis his Majeſtie declairis, are not, nor ſall not be comprehended in the ſaide Annexation.

30 Diſſolution of annexed Landes, for ſetting of the ſamin in few-ferme.

FORSAMEIKLE, As for great and weightie conſiderationes tending to the weill of the Crown, and of the haill Realme, There is diverſe landes and Lord-ſhippes of auld and of lait annexed, to remaine with OVR SOVERAINE LORD, and his ſucceſſours, Quhilkes may not be diſponed nor annulled, in fee or life-rent, to quhatſumever perſone or perſones, without the adviſe of the three Eſtaites of Parliament, and for profitable and ſeene cauſes, for the weil of the haill Realme: And nevertheleſſe it hes bene thocht expedient in the dayes of our Soveraine Lordes maiſt Noble predeceſſours, that his ſaid annexed and proper Landes, ſuld be ſet in few-ferme, for increaſe of policie their-upon, and augmentation of the rentall. And to the effect that the ſaidis Lands micht be ſet in few-ferme in maner foreſaid: Our ſaide Soveraine Lordis Predeceſſors & three Eſtaites of Parliament, hes bene in vſe to diſſolue the ſaids Annexationes. And therefore our ſaid Soveraine Lord, and three Eſtaites of Parliamente, finding it now expedient and profitable for his Hienes, That divers of the ſaidis annexed lands, within ſindrie ſhirrefdomes and Lordſhipps be ſet in few-ferme, for augmentation of his zeirlie rentall, and for increaſe of policie, as ſaid is. Therefore they haue diſſolued, and diſſoluis the ſaid vnion & annexation, to the effect abone ſpecified allanerlie. And will that the ſame be extended to the Lands vnderwritten, quhidder they be annexed to the Crown to the principalitie of this realme; Or to the Kingis ſecond Sonne.

Providing alwaies, that albeit the landes of the Erle-dome of *Roſſe*, and lordſhip of *Ardmannoch*, quhilkis ar appoynted to remaine with our ſaid Soveraine Lords ſecond Sonne, be ſett in few-ferme be vertew of this diſſolution: The ſamin ſall na waies be annulled, diſponed, nor put awaie fra our ſaid Soveraine Lordis ſecond Sonne: Bot the ſame landes and profites thereof: albeit they be hereafter ſett in few-ferme, ſall remaine in propertie with him, after the forme of the Acte, maid be King *Iames* the Thrid, our Soveraine Lordis maiſt Noble Predeceſſoure. And als providing that this preſent diſſolution, ſall ſtand during the dayes of our ſaid Soveraine Lord, that now is allanerlie. Swa that of Landes, his hienes in his time ſettis in few-ferme, to quhatſum-euer perſon or perſones, for augmentation of his rentall, as ſaid is, the ſamin ſall abide with the ſaidis perſones, their aires and ſucceſſoures in few and heritage for euer. And after our ſaid Soueraine Lordis deceaſe, the annexation of the remanent landes, not ſett in few in his Hienes times: ſall returne to their awin nature. Thir ar the names of the landes to the quhilk this preſent diſſolution is, and ſalbe extended. They ar to ſay, The landes of the Erledome of *Roſſe*, & lord-ſhippe of *Ardmannoch*,

The

The landes of the Erledome of *Orknay*, with the *Iles* perteining thereto: The landes annexed to the Croun, lyand within the Schireffe-dome of *Edinburgh*, and Conſtabularie of *Hadingtoun*: The Friers lands of *Aberdene*, quhilkis were before diſponed to *George* Erle *Merſchell*: The landes and Lord-ſchippe of *Menteith*, diſponed to *Iames* Lord *Doun*: The landes and Lordſhippe of *Galloway*, aboue and beneth *Cree*. The Erle-dome of *March*, And the lord-ſhippe of *Ettrick Forreſt*.

31 THE KINGIS GENERALL Revocation.

WE IAMES, Be the grace of GOD King of *Scottes*, being now of perfite age, of twentie ane zeires compleit, and knowing the remeid competent to vs be the commoun Lawe, and Lawes of our Realme, In revocation of all and ſindrie alienations, donations, venditiones, or vtheris diſpoſitions quhat-ſumever, maid be vs in our minoritie and leſſe age, or be our predeceſſoures in their times, in hurt and detriment of our Croun, our ſaull and conſcience, againſt all Lawes of our Realme, and theirin following the exemple of our moſt Noble Progenitoures, in their generall Revocationes: And being latelie paſt our ſaid perfite age of twentie ane zeires, and ane large ſpace within our age of twentie fiue zeires, during the quhilk, the remeid of our Revocationes is competent to vs: We make our generall Revocation, in maner following.

FIRST We revoke, caſſe, annull, retreit and reſcind, all and ſindrie infeftmentes, chartours, giftes, donationes, alienationes, and diſpoſitiones quhatſumever, maid be our vmquhile deareſt Mother, before our Coronation: To quhat-ſum-euer perſon or perſones, in ony maner of way, in fee, few-ferme, or franck-tenement, of ony Lands, Lordſhippes, Baronnies, cuſtomes, annualles, fiſchinges, Burrow mailles or Caſtle wardes, annexed to our Croun, Offices of juſticiarie, and Schireffes within the ſamin, apperteining thereto, in contrair, the actes of annexation maid there-upon of before: And quhair lauchfull diſſolution of the ſaid annexation was not maid be our ſaid vmquhile deareſt Mother, and her three Eſtaites in Parliament, in her awin time, to the effect that the ſame ſall be of nane availe in time cumming, after the dait heirof.

AND SIK-LIKE, we revoke, annull and retreit, all and ſindrie infeftmentes, Chartours, giftes, donations, alienations, and diſpoſitions quhat-ſum-euer, fees and penſiones diſponed be vs, of our ſaid annexed awin proper Landes, at ony time preceeding in our Minoritie, and leſſe age: Except the fees and penſiones diſponed to the Officiars of our Croun, their deputies and Clerkes, as hereafter ſalbe excepted.

Landes perteining in propertie to the Croun.

Reſer-

Reſeruand alwaies foorth of this our Revocation, the halfe lands of eſter *Aberlednauch*, ſet in few-ferme in our minoritie, to our truſtie ſervitour Sir *Iohn Murray* of *Tullibardin* Knicht, ane of our Maiſters of Houſ-holde, And ſik like reſeruand foorth of this our Revocation, all and haill the lands of *Knoktane*, *Kildarroch*, *Kirrie-walcok*, and fiue marke-lande of *Kereburne*, lyandwithin the ſhirreffdome of *Wigtoun*, & kindlie poſſeſſiones to Sir *Patrick Waus* of *Barn-barrouch* Knight: Swa that he and his aires may bruik the ſame, according to his infeftmēts theirof, daited at *Halyrude-houſe*, the twentie day of *November*, The zeir of God 1582. zeires.

The principalitie

ITEM, we revoke all alienationes & diſpoſitiones quhatſumever, of onie rentes, lands, or heritages, annexed to the Principality, or to the Prince quha is alwaies ſecond perſon of this Realme, maid be vs, or onie our predeceſſoures, to the prejudice & hurt of the Prince, ſecond perſon foreſaid.

Of vnannexed landes.

ITEM, we revoke, caſſe, annul & retreit, all infeftmentes, Donationes alienationes and diſpoſitions, granted be vs, our Regentes and Governors for the time, in our minority and leſſe age; To quhatſumever Perſon or perſones in fee, few-ferme, lyfe-rent, or vtherwais, of al vthers Lands, rentes, annualles & revenus, not annexed to our Crown, quhilk our vmquhil deareſt Mother had in her poſſeſſion before our Coronatiō. And of all offices

Of Offices

ſik as Chalmerlaneries, and Ballieries, and of the Office of cuſtomarie, maid for maa zeires but fra checker, till the compt be maid in the checker after following, Conſtabularies, and Baillieries of our proper lands & Caſtelles. And als we revoke & annull al rentalles, aſſedationes and takkes of our proper Landes and rentes, maid be vs our governours and Regents, in our minoritie, abone the ſpace of fiue zeires.

Rentalles, takkes of the propertie.

Of annexed landes.

ITEM, we revoke, retreit, reſcinde & annul, al and quhatſumever infeftmentes or rentalles of few-ferme, of quhat-ſumever our proper Landes, annext to our Crown, maide to quhatſumever perſones, bee vs in our minority, or be our predeceſſoures here-tofore, quhilkes are maide in diminution of our rentall, and hurt of our patrimonie, quhair the diminution may be verified and proven.

Fuds-ferme. Feudisfirmarum

ITEM, we revoke, reſcind, retreit & annull al and quhatſumever infeftmentes, diſpoſitions and alienationes, maid be vs, our Gouernour, and Regentes in our minorities, or be onie of our predeceſſoures in their times, of the few-ferme victuall of onie Lands and Lord-ſhippes, perteining to our Crown, quhilk were lauchfullie ſet in few before, for payment of the few-ferme victuall, and the ſame few-ferme victuall is ſet in few thereafter, for ſilver payment. Becauſe the ſetting of the few-ferme is clearelie vnderſtand to be to the great abuſe, hurt, and diminution of our Patrimonie and rent.

The kings Caſtelles & houſes.

ITEM, we revoke al infeftmentes, alienationes & diſpoſitions, maid to quhatſumever perſones of our Caſtelles and houſes, the places & roumes, quhairvpon our Caſtles and houſes war ſituat, and now are demoliſched in our minority and leſſe age. And ſik like al infeftmentes, alienationes and diſpoſitiones of quhatſumever our Medowes, Wooddes, & Parkes, with all takkes, aſſedationes & vther diſpoſitions theirof, ſet be vs, our Regentes and Gouernors in our minoritie as ſaid is.

Item

ITEM, we revoke all and ſindrie infeftmentes, alienationes, giſtes, and diſpoſitiones quhatſumever, maid be vs, our gouernours and Regentes in our minority; To quhatſumever Perſons, in fee, few-ferme or life-rent of al Lands and annual-rentes; Quhilkis become in our hands, as propertie be richt of our crown; Through baſtardry, or we being laſt aire, be reaſon of recognition, forefaltour, or vtherwaies, with all confirmationes, gif onie be granted in Parliament their-upon. That the ſaids lands may returne in propertie to vs and our ſucceſſours in time cumming. And neverthcles be this head and Article of this preſent Revocation: We declaire, decerne, and ordaine: That nane of the Lord-ſhipps, lands and baronnies that become in our hands, be reaſon of the fore-faltours, Quhilks were retreited, & reſcinded be the pacification concluded at *Perth*, the foure and twentie daie of *Februar*, The zeire of God, ane thouſand, fiue hundreth, three ſcoir twelfe zeires, and Ratified and appreeved in our Parliament, halden at *Haly-rudehouſe*, the laſt day of *April*, The zeir of God, ane thouſand, fiue hundreth three ſcoire thirteene zeires: And be the Pacification maid in our Parliament halden at *Linlithcow*, in the great hall of the palice theirof, The tenth day of *December*. The zeire of God, ane thouſand, fiue hundreth, four ſcore fiue zeires: Sall abyde and remaine with vs and our ſucceſſoures: Bot the ſame ſall returne to the richteous heritoures theirof, and vthers hauand intereſt to the ſame. Sik-lyke as gif the ſaids forefaltours had neuer bene led, And to that effect we preſentlie diſſolue the Annexation of all Landes vnited to our Crown, and alledged to haue fallen in our handes, be reaſoun of the ſaids forefaltoures, quhilkis ar retreited, as ſaid is. And ſik lyke we reſcind the annexationes maid in our darreſt Gud-ſchirs time of all landes that bee come in his handes, Or in the handes of his Predeceſſoures, be quhatſumever Proces of forefaltour, quhair the ſaid forefaltour is reduced, and declaired to be of nane availl. Baſtardrie recognition, Laſt air, for-faltour.

ITEM, wee revoke all tailzies, maide be vs in our minority and leſſe aige, fra the aires generall to the aires maill of onie Landes within our Realme, againſt the Lawe and gude conſcience, quhair the ſaidis Landes were diſponed before to the aires quhatſumever, and the ſaidis infeftmentes, changed be reſignation in the ſame perſone, and to his aires maill. Tailzies

And wee declaire that new conqueſt tailzied in our ſaide minoritie and leſſe aige, Sall nawaies cum vnder this our Revocatioun: Becauſe it is not againſt Conſcience, that onie perſon, quha acquires the richt of onie Heritable Landes, may take the ſame to ſik aires as he pleaſis.

ITEM, Wee revoke, reſcind and retreit, all new infeftmentes giuen be vs: Or onie of our ſaidis Governours and Regentes in our minoritie, of onie Landes and Lordſhippes in BLENCH-FERME, that were halden of vs, and our Predeceſſoures, before be ſervice of Warde and reliefe: Bot prejudice alwaies to the heritable poſſeſſoures: That they ſall bruik their ſaids Landes heretablie: as they were halden before the ſaid infeftmentes, maid in our minoritie. *Blench-ferme.*

ITEM, we revoke al Regalities, and confirmationes of Regalities, giuen be vs in our minority and leſſe age, as onie our Predeceſſoures before Regalities

againſt

againſt the Actes and ſtatutes, that na Regalitie ſuld be giuen in heritage without the adviſe and deliberation of the haill Parliament. And ſik-like we revoke all giftes, and infeftmentes of quhatſumever Office given heritablie, to quhatſumeuer perſones, be vs our Governours, & Regentes in our minoritie and leſſe age, as ſaid is.

Heritabill offices

ITEM, we revoke al new creation of landes, Barronnies, annexations and vniones of diverſe Landes in fee, quhilkis ar made in our minoritie, in prejudice of our dew ſervice, aucht to vs and our Progenitoures of before, & ſiklike we revoke al diſcharges, giuen be vs in our ſaid minority, of ſervice of ſuites of Courtes, aucht of auld to our Progenitours foreſaides.

Creation & vnions in baronies

Suites of Courtes.

ITEM, we revoke all new infeftmentes maide and given in our ſaid minoritie of Creation of Baronnies, in the Lands and Lordſhippes annexed to our Crown.

ITEM, we revoke al infeftmentes, giftes, and diſpoſitiones quhatſumever, ſet, given and granted be vs in our minority, to quhatſumever perſone or perſons, in fee, few-ferme or lyfe-rent, of quhat-ſumever hoſpitallis, maiſon-dieus, Landes or rentes apperteining theirto, in hurt and prejudice of our conſcience, to the end that the ſaids Hoſpitalles may be reduced to the firſt inſtitution, for vphalding of the puir. Providing alwaies that the rentes of the Hoſpitall of the *Trinitie Colledge* beſide the Burgh of *Edinburgh*, quhilk is now decayed, aſſigned and given to the new Hoſpitall, erected be the Proveſt, Baillies, and Councel of the Burgh of *Edinburgh*, be na-waies comprehended vnder this preſent Revocation.

hoſpitalles

ITEM, it is alwaies vnderſtand, like as we be thir preſentes declaire that the tennandries halden of vther ſuperiours, becummin in our handes, be eſcheit, as laſt aire, be forefaltour ſtandand, or be baſtardrie, The preſentationes or infeftments following their-upon, cummis not vnder our reuocation. Becauſe the ſame being caſualities, could not remaine in our hands, in prejudice of the ſuperioures of the ſaidis tennandries: Bot of neceſſitie it behooved vs to preſent heritable tennents, to the ſuperiors of the ſamin.

Preſentationes

ITEM, Wee haue deepelie conſidered the eſtait of caſualities, dailie giuen and diſponed throw importunitie of askers, in ſik exceſſiue maner, That difficill it is to enterteinie the daylie and ordinar expenſes of our Eſtaite and Croun: Howbeit the occaſion of charges herewith all, continuallie increaſis. And we & our Eſtaites conſidering that our caſualities aucht not to be ſa inordourlie and inconſideratlie diſponed, at the importune ſuite of all askers, bot our commoditie maid thereof, and ſik diſcretion had in diſpoſition of the ſame, as we may continuallie liue vpon our awin.

Caſualities

Therefore, we with adviſe of our ſaidis three Eſtaites, and haill bodie of this preſent Parliament, revokis, reſcindis, caſſis, annullis, and diſchargis all giftes of fees, penſiones, wages, liveries and diſpoſitions, out of our caſualities and coffers, given be vs with adviſe of our Regentes for the time: or be our ſelfe, ſen the acceptation of the governement of our Realme in our awin perſon, declaring the ſame to be null, and of nane availl, force nor effect in time cumming: diſchargeing our Theſaurers preſent and to cum, of all payment making of the ſaidis fees, penſiones, wages, liveries, and

vthers

vtheris things appoynted to be payed foorth of our caſualities of the terme of *Whit-ſonday* laſt by-paſt, or hereafter in time cumming: Exceptand alwaies the fees and penſions, given to the ordinar Officiars of the Croun, their deputes and Clerkes, quhilkis we will ſall not be comprehended in this our generall revocation: They ar to ſay, the fees and penſions giuen and aſſigned to our Theſaurer, his deputes and Clerkes: To our Secretar & his depute: Our Collectour & his Clerk and procuratour: Our juſtice, Iuſtice-clerk, & their deputes, Advocat, Procuratour for the puir, Maiſter of Requeſtes: Our Clerk of Regiſter, Director of the Chancellarie, and dicter of the Rolles: Quhilk we decerne and declare, ſall ſtand in force and effect; Notwithſtanding this our preſent Revocation.

ITEM, We reuoke, retreit, caſſe and annul, al and quhatſumever giftes, pēſions & free diſcharges of the thrids of benefices within our realme, granted ſen our Coronation, be vs, our Governours and Regents in our Minoritie and leſſe age: And we decerne the ſame to be of nane availl, in all time hereafter: And ſik-like, we revoke all tackes of the thrids of benefices, ſet be vs in our minoritie and leſſe age, quhairby the dewtie is diminiſhed: Or quhair we haue ſett the haill benefice, in diminution of the thrid thereof: And we proteſt, that quhat-ſumeuer we haue done to the detriment, hurt and prejudice of our thrid, & of the miniſterie, in our minoritie, as les age, that the ſame may be reduced, as accordis of the law. Thrids of Benefices.

ITEM, We revoke all and quhatſum-euer infeftments, maid be vs in our Minoritie, our governours and Regentes in our name, of onie Kirkes landes, Friers landes, Nunnes landes, or commoun landes, quhilkis onie-waies fell and become in our handes, as our propertie: Except the infeftmentes, maid be our vmquhile deareſt Mother and vs, for erection and ſuſtentation of Hoſpitalles, and Miniſters within Burrowes, quhair there is naaſſignation nor ſtipend allowed, foorth of the thrids of benefices, for ſuſtentation of the Miniſters thereof. Kirk-lands

ITEM, We revoke all tackes, aſſedationes, and vtheris diſpoſitiones quhatſumeuer, of onie commoun Kirkes within our Realme, maid be vs in onie time by-paſt: to the effect that the ſame may returne to vs, vnto the time that furder ordour be taken. Providing alwaies that at the ſaidis commoun Kirkes, there ſalbe Miniſters appoynted to ſerue & mak reſidence, & ſalbe ſuſteined of the readieſt fruites theirof, according as ſalbe modified. Cōmoun Kirkes.

ITEM, We revoke al giftes of Monks portions, firſt fruits, or fifth penny of ony benefices, quhair-unto we haue richt be our Actes of Parliament, maid of before there-anent. Monkes portions.

ITEM, We revoke all giftes and infeftments, maid be vs in our minoritie, of quhatſum-euer aduocation, and donation, and richt of patronages, giuen or annexed to ony Lord-ſhippe, land or Barronnie, quhair the ſaid Patronage, advocation, donation of benefice, perteined nocht of richt of before, and quhilk takis the beginning & ground fra ony gift and infeftment thereof, maid in our Minoritie, as ſaid is, be this clauſe, *de nouo damus* quhair the purchaſer of the ſaid infeftment, had na richt to the ſaid patronage, aduocation and donation before. Patronage of Kirks

Super-plus and omitted fourth of the thrids.

ITEM, We reuoke all giftes of ſuper-plus, and omitted of the fruites of benefices, giuen & diſponed be vs, our Gouernoures and Regentes in our name, and in our minoritie.

AND Generallie, we reuoke, caſſe, annull, retreite, and reſcind, all and quhatſum-euer thinges done be vs, our Gouernours and Regentes of our Realme, in our minoritie and leſſe age, in detriment and hurt of our ſaull and conſcience: Hurting the Priuiledge of our Croun, prejudiciall to the ſame, and to vs, in our patrimonie of the ſame, and quhat the law and conſuetude of our Realme, leiuis vs to revoke. And this our Revocation, we ordane to be of als great effect, and als largelie extended in generall, & in ſpeciall, as onie revocation maid be our Progenitoures, before the daite hereof: And ſpeciallie, the revocation, maid be our vmquhile deareſt Mother, & vmquhile our deareſt Gud-ſchir, K. *Iames* the 5. of gude memorie, and his Predeceſſoures quhat-ſum-euer, conteined in our buikes of Parliament: Quhilkis in all heads, clauſes and circumſtances thereof, we hald as herein expreſſed. And als we ordane, and decerne this our ſaid Revocation, to be ſimple and abſolute, without ony exception, reſtriction, or limitation, to be admitted againſt the ſame, further nor therein is conteined. And to that effect, we annull and reſcind, quhatſumeuer exceptions maid in fauours of quhatſumeuer perſones, in onie of our Revocationes maid in Parliament, or vtherwaies, at onie time preceeding the dait hereof.

And we ſolemnedlie ſweare, in preſence of our ſaidis three Eſtaites, be our great aith, preſentlie given, at this our firſt Parliament, halden after our perfite age of twentie ane zeires complete: And as we were obliſhed to haue done, in-caſe we had bene of perfite age at our Coronation: That we ſall faithfullie obſerue and keepe the ſtatute and acte of Parliament, maid in the daies of our maiſt Noble Predeceſſour, King IAMES the Second, anent the keeping and reteining of the landes, Lord-ſhippes, and Barronnies, annext to the patrimonie of the Croun, in all poynts and clauſes thereof.

ALS We proteſt be thir preſentes, that gif it ſall happen vs, for onie reſpect or conſideration, to ſuffer ony perſon or perſons, to vſe or poſſeſſe onie Priuiledges or poſſeſſiones, landes, rentes and offices, quhilks ar fallen vnder our Revocation: It ſall make na richt to the vſers nor halders thereof: Bot it ſalbe leſum to vs, and our Succeſſoures, to put our hands thereto, quhen euer it ſall pleaſe vs, be vertew of this our Revocation, acts and conſuetudes of our Realme, maid of before; But onie obſtacle, impediment, or contradiction.

32 Explanation of the Act maid anent depriuation of Miniſters.

OVR Soueraine Lord, with aduiſe of his three Eſtaites of this preſent Parliament, hauing conſidered the act maid in the Parliament, halden at *Edinburgh* the xxij. day of *Maij*, the zeir of God, ane thouſand, fiue hundreth, fourſcoir, four zeirs, anent depriuation of Perſons, prouided to benefices of cure, vnder Prelacies, for none-reſidence at the Kirks of their benefice, & that it ſuld be compted none-reſidence to be abſent fra their functiō

four

four Sabboth daies in the zeir: Be quhilk Act commiſſion is granted to certain Eccleſiaſticall perſones mentioned therein; To call and conveene before them, the perſones delated and ſuſpected as non-reſidentes, or for vther cauſes mentioned in the ſaid Acte, quhilks neceſſarlie requiring explanationes, and doubtes dailie fallen out there-upon. Therefore declaris ſtatutis and ordanis, that the ſaid Acte and commiſſion directed there-upon, is, nor at na time hereafter ſalbe extended, againſt onie of the Lordes of ſecreete Councell, or Senatours of the Colledge of juſtice, or their members, occupied, or daylie attending on his Hieneſſe neceſſary ſervice: Or againſt ony perſons being foorth of the Realme, be his Hieneſſe licence, and employed in his ſpeciall ſervice, during the time of their abſence. Quhilkis notwithſtanding, ſalbe aſtricted and halden to ſuſteine qualified miniſters at their Kirkes in their abſence. Neither ſall the ſaid act and commiſſion be extended againſt ſik Perſones, as were provided to Benefices of cure, vnder Prelacies, being laïck Patronages, before the making of the ſaid Acte of depriuation for non-reſidence, and vther cauſes ſpecified therein: Bot that the haill Perſones bruikand benefices, in caſes before declared, ſall enjoy and poſſeſſe their benefices during their life-times, ſuſtenand the miniſtrie, according to ſik ordour, as is taken, or ſalbe taken theiranent: As gif the ſaid Act and commiſſion had nocht bene granted. And that alwaies ſik Perſons, as hes receiued benefices, & bene collationat, vpon condition to ſerue in the function of the Miniſtrie, and to make reſidence, and zit failzies their-intill, ſalbe ſubject to the judgement of the ſaid Acte and commiſſion.

33 *Anent the Parliament.*

OVR SOVERAINE LORDE, Now being of lauchfull and perfite age, and conſidering the decay of the forme, houſe and Majeſtie of his ſupreame Court of Parliament, be occaſion of the troubles that hes occurred, ſen the deceaſe of his deareſt Gud-ſchir, King IAMES the Fift of worthie memorie, and willing to reſtore the ſame to the auncient ordour, dignitie and integritie, hes thoucht expedient, and be adviſe of his three Eſtaites aſſembled in this preſent Parliament, ſtatutis and ordanis, as followis.

THAT There ſalbe na confuſion of perſones of the three Eſtaites: That is to ſay, na perſon ſall take vpon him the function, Office or place of all the three Eſtaites, or of twa of them: Bot ſall only occupy the place of that ſelfe eſtait, quhairin he commonly profeſſis him ſelfe to liue, & quhairof he takis his ſtile.

34 *The vnlaw of abſentes fra the Parliament.*

THAT In-caſe ony Erle, Lord or Barron of Parliament, Prelate or Burgh, being lauchfullie warned, abſentis them ſelves fra Parliament without lauchfull and ſufficient excuſe, admitted & allowed be the Lords

of the artickles: Our Soveraine Lord, and his three Eſtaites, preſentlie conveened, hes ordaned, and ordanis, that ane pecuniall paine ſalbe modified and tane of everie ane of the non-compeirances, in maner following: That is to ſay, of euerie Erle, three hundreth pundes: of everie Lord, 200. pundes, of everie Prelate 100. pundes, and of everie Burgh, 100. markes. And that ſik as accompanies nocht the Kingis Majeſtie, on horſ-back decentlie, with fute-mantilles, from his Hieneſſe Palice, to the Parliament houſe, ſalbe repute for abſentes, and incurre the ſame paines, as gif they were abſent. And letters ſalbe directed to provide & diſtreinzie their lands or gudes therefore: Or to pay the ſame within ten dayes, vnder the paine of Rebellion, and gif they failzie, to put them to the horne, that the ſame paines may be in-broucht to our Soveraine Lordes vſe:

35 Herauldes, Purſeuantes, Maiſſeres, Trumpettors committand fault.

GIF Onie of the ordinar Herauldes, Maiſſers, or Trumpettors, ſalbe noted abſent from the Parliament: Or being preſent, performis nocht that quhilk becummis them of dewties, without lauchfull excuſe maid & allowed, as ſaid is, everie ane of them being noted, ſall amitte and tyne ane zeires fee, for the firſt fault: and for the ſecond fault ſalbe deprived.

36 Of apparrell of the Eſtaites.

THat everie Eſtait ſall haue three ſeveral apparrells in ſeemelie faſhion, conforme to the patron thereof: Quhilk the Kingis Majeſtie ſall cauſe make, and command to be obſerved, vnder the paine of twa hundreth pundes, of the perſone failzieand, and debarring of them furth of the Parliament houſe.

37 The number of the Lordes of the Artickles.

ITEM, That the number of the Lords of Artickles, be equall in ilk eſtate, & that the feweſt number of everie Eſtate be vj. & the maiſt nūber Ten.

38 Procuratours may compeir for all perſons accuſed.

ITEM, That na advocate, nor præloquutour, be na-waies ſtopped, to compeir, defend, and reaſon for onie perſon, accuſed in Parliament for treaſon, or vtherwaies: Bot that quhatſumeuer partie accuſed, ſall haue full libertie to provide himſelfe of advocates, and præloquutoures, in competent number, to defend his life, honour and land, againſt quhatſumeuer accuſation: Seing the intending thereof, ſuld not prejudge the partie of all lauchfull defenſes: as gif it were *pro confeſſo*, that the accuſation were trew, annulling all actes maid in the contrair hereof before.

39 Deciſiones in Parliament, may not be impugned be inferiour Iudges.

NA Fore-faltour, lauchfullie and ordourlie led in Parliament, nor na deciſiones paſt in Parliament, betuixt partie and partie be proces, after cognition of the cauſe, ſalbe called in queſtione be ony inferiour Iudge.

40 The

40 The ordour of Parliament, ſuld be inviolablely obſerved.

OVR SOVERAINE LORDE, with adviſe foreſaid, declaris, ſtatutis and ordanis, that the ordour abone-written, ſall be inviolablie obſerued in all time cumming, as the neceſſar and lauchfull forme of all Parliamentes, and faithfullie promittis to do, or command na thing, quhilk may directly, or indirectly, prejudge the libertie of free voiting and reaſoning of the ſaidis Eſtaites, or ony of them in ony time cumming.

41 Contention for prioritie of place, or vote in Parliament, ſuld be puniſhed.

FORSAMEIKLE As in divers Parliamentes, halden be OVR SOVERAINE LORD, And his maiſt Noble Progenitoures, ſindry queſtiones hes bene amangſt Noble-men, and vthers of the Eſtaites for prioritie of places, and voites in Parliament, and there-upon ſum-times querrelling, to the diſturbance of the ſupreeme Courte of Parliament, quhilk aucht to proceede with greateſt honour and quietneſſe. FOR remeid quhairof in times cumming: It is ſtatute & ordaned, be OVR SOVERAINE LORD, with adviſe of his three Eſtaites of this preſent Parliament: That nane of his Eſtaites, ſall preſume in time cumming, to make querrell or provocation of trouble to vther, for prioritie of places, or voites in Parliament, vtherwaies nor be ſupplication: And content them with the ordour and direction of his Hienes, and his ſaidis Eſtaites, ay and quhill their finall deciſion of controverſie, vnder the paine to be repute and halden, as diſturbers of the publick peace and quietnes of the Realme, And to be grieuouſlie puniſhed theirfore, at the diſcretion of his Hienes, and Lordes of the Articles aſſembled, at that Parliament.

42 Actiones of moleſtation, and vtheris poſſeſſoures, ſuld be decided before the inferior Iudges.

OVR SOVERAINE LORD, And three Eſtaites conveened in this preſent Parliament, ratifies, appreeuis, and for his Hieneſſe and his Succeſſoures, perpetuallie confirmis the Act of the Lordes of Councell and Seſſion, maid anent proceeding in cauſes of moleſtation: And ordainis the ſame to take full effect and execution in time cumming; as a maiſt neceſſar and profitable law to all his Hieneſſe ſubjectes, and the ſaid haill Acte to be inſert in the buikes of Parliament: Of the quhilk Act, the tenour followes.

AT *Edinburgh* the day of The zeir of God, 1580. zeires Forſameikle as the multitude of Actiones, before the Lordes of Seſſion impeſchis greatlie the ordinar courſe of Iuſtice, in weightie cauſes of heritage, and vtheris maters of great importance, quhilkis ar maiſt proper to be decided be the ſaidis Lordes of Seſſion, and the greateſt lett and impediment proceedis from the greate number of Actiones of moleſtatioun and troublance in the poſſeſſion of properties and communities, quhilkis

were accuſtomed of auld to be decided be the Schireffes of euerie Schire, Baillies of Regalities,& vthers ordinar judges, quhair the landes lyes,& be the determination of ane Aſſiſe of the beſt and worthieſt of the Cuntrie: And the ſaidis Lordes be dailie experience,vnderſtanding perfitelie,quhat ſtop and hinder the ſaidis maters poſſeſſour,ar to the expedition of vthers weightie cauſes, how ſumpteous ſik proces ar to the parties, be bringing of the witneſſes foorth of the farre partes of this Realme: for verefieng of the ſummoundes,or exception admitted be ather partie, in the ſaid mater: And zit the trueth of the caſe is nocht thereby ſufficientlie tryed, partlie be the abuſe of the witneſſes; And partely,becauſe it is nocht poſſible to the ſaidis Lordes of Seſſion, to trie the veritie ſa weill, be examination of the witneſſes before them, as the Schireffe and his deputes, may try the ſame, be ane inqueſt of the beſt and worthieſt vpon the ground. For the quhilkis cauſes,the ſaidis Lords of Seſſion hes thoucht meete and expedient, ſtatutis and ordanis, that all maters of moleſtation and troublance in properties and communities, conſiſting in the poſſeſſour, To be intended herefter, or alreadie intended, quhairin na *Litis-conteſtation* is maid, ſall be remitted to the Schireffe of the Schire, Baillies of Regalities,and vtheris inferior ordinar judges,quhair the landes vpon the quhilks queſtion ſall be mooved lyes: And to that effect, quhenſoeuer onie partie ſall meane them to the ſaids Lords, vpon troublance or moleſtation,cõmitted vpon properties or cõmounties: The Lords be their deliuerance,ſall direct letters,ordaning the ſaidis inferiour Iudges ordinar, to take cognition therein vpon ſummoundes or precepts,to be direct vpon fifteene dayes warning: And the Courtes following, to bee continued fra aucht daies, to aucht daies, at the langeſt; or ſhorter,as the cauſe ſall require, at the diſcretion of the Iudge. Quhilk cognition ſalbe taken be this ordour. Firſt that the parties defenſes ſalbe lauchfullie diſcuſſed in the place quhair the ſaidis inferiour ordinar judges vſe to ſitt: Or that ſalbe appointed vnto them be the ſaidis Lordes of Councell. And gif the defenſes be all repelled; That the ſaidis Iudges, after the production of the parties richtes conſiſting in writt, ſall put the haill vther poynts of the ſummonds or exception, quhilk ſalbe admitted,ſwa mẽkle thereof, as be the ordour obſerved before,micht or ſuld haue bene provin be witneſſes,to the knawledge of ane condigne inqueſt: To be elected and choſen of Perſones leaſt ſuſpect,and that beſt knawis the veritie to ane ſufficient number. The maiſt part quhairof ſalbe Landed men, haueing at the leaſt four pleuches of Lande: Or three hundreth markes of zeirlie rent vnredeemable, and vtheris ſubſtantious and famous honeſt Zeamen: Quhilkis Perſones ſall be taken and choſen in the Parochin, quhair the ſaidis Landes debaitable lyes, gif ane ſufficient number may be found there: And failzeing thereof, that the neareſt Parochiners nixt adjacent, admittand alwaies all objectiones competent againſt their perſones, as accordis of the Law.

QVHILKIS perſones of inqueſt, after they be lauchfullie ſworne and admitted, ſall haue power to viſie the grounde, gif they thinke it expe-

pedient, and take all vther tryall, as they ſall thinke gude, vpon their aithe and conſcience, and ſall returne their anſwere to the judge, vpon the trueth and veritie of the claime, or exception admitted, And that in face of judgement: That the ſaid judge ordinar, may thereafter giue his ſentence definitiue, vpon the ſaidis debates, and gif the ſaidis perſones of inqueſt commit errour in their ſaidis determination; They ſalbe called, accuſed, and puniſhed therefore, *pœna temerè iurantium ſuper aſſiſa*, in their perſones and guddes, according to the auncient Lawes of this Realme, and conſuetude obſerued within the ſamin.

And gif it happenis mutuall perſute, convention or reconvention on ather ſide, to be intended, baith the parties doand their dew diligence, be intending and perſewing of their actiones *hinc inde*, before *litis-conteſtation* maid be ather of them. And all their reaſones and allegationes in the lawe, being produced, before the mater be put to the knawledge of ane inqueſt: The Iudge ſall proceede in them baith *pari paſſu*: And ſall remit the heades and Articles of the claime precepts, ſummoundes or exception, quhilk conſiſtis *in facto*, and was accuſtomed to be verified be witneſſes, to the determination of ane aſſiſe. Quhilk ſall take cognition in baith the cauſes, quhere they cannot be devided. And the equall halfe of the ſaid Aſſiſes, ſalbe taken of the perſones ſummound for ather of the ſaidis parties, and gif the number of the halfe of the Aſſiſe, may not bee had of the number ſummound be ather of the parties: In that caſe the judge ſall take ſa monie, as wantis of vtheris ſufficient aſſiſoures, albeit they be nocht ſummonded be nather of the parties: the ſamin perſones being alwaies landed-men, or being ſubſtantious, famous and honeſt zeamen, as ſaid is; And the od-man ſalbe choſen be cavill. And quhair it ſall happin the Schireffe of the Schire, Baillie of Regalitie, or vther inferiour judge ordinar, to be ſuſpect and vnable to judge the ſaidis cauſes, for deadliefeede, and vther reaſons, quhilkis may decline the judge on the place of judgement to be incompetent, that therewith the partie cannot haue ſure acceſſe for his perſute and defenſe.

In that caſe, the mater being mooved to the ſaidis Lordes, and found and declared be them, the vther partie being lauchfullie ſummound: they ſall appoynt vnſuſpect judges, and ane place competent, for the ſaidis cognition and determination, for the cauſes foreſaidis, be commiſſion be their Acte and ordinance: Or vnder the teſtimoniall of the great Seale, be their deliverance. And the ſaidis judges to be appoynted, ſall at the acceptation of the ſaidis commiſſiones vpon them, make faith, nocht onelie, that they ſall dewlie and lauchfullie miniſter juſtice in the ſaidis maters: And that they haue nocht taken, nor ſall nocht take onie rewarde profite or gude deede, fra onie of the parties, and that they haue nocht made, nor ſall nocht make, paction or contract with onie of them, for onie certaine ſumme, before the pley bee ended, or during the dependance thereof, and the aithe of the ſaidis Iudges, to bee tane before the recompenſe of their iuſte travell, to bee modified be twa of the Lordes of Seſſion before the pronuntiacioun of the decreete, in the ſaidis ma-

ters, quhilk ſalbe payed vnto them, before the giuing of the decreete foreſaid: Or at the acceptation of the commiſſion vpon the ſupplication, the partie obteiner theirof, ſall make the firſt payment: bot ſall haue the ſamin modified, to be repayed to him, be him that tines the plee: gif it be found *quod temerè litigauerit*, with the vtheris expenſes, to be ſuſteined be him, in the recoverie of the ſaidis decreete nevertheles, gif the perſones to be appoynted judges to the ſaidis cauſes, ſall happin to bee drawin fra their awin dwelling houſe or places, to the ground of the lande or vther place, quhair juſtice ſalbe miniſtred in the ſaidis mater; The partie quha ſall require them thereto, ſall make the expenſes for their voyage, in ganging, abiding, and returning, quhilk ſal not be impute to the judges, as ony fault before the Lordis of Councell, or before the neareſt judge adjacent to the landes, quha ſall haue power of the ſaidis Lordes to that effect, be the ſaid commiſſion, and inſert thereintill. And becauſe ſum-times the queſtion fallis out betuixt poſſeſſores of landes, lyand *contiguè*, and zit in diverſe Schireffe-domes: And at ſum-times the ane land lyand within the Royaltie; And the vther within the Regalitie: That in the firſt caſe, the Schireffe of ane of the Schires: And in the ſecund caſe, neither the Schireffe nor Baillie of Regalitie, may be judges competent to baith the Actiones. Therefore quhen ſik caſes occurris, the Lordes vpon the complaint of the partie having intereſt; ſal appoynt judges vnſuſpect, with ane competent place, keepand and obſeruand in all vther circumſtances the ordour abone-written. And further, the ſaidis Lordes declaris, that this act and ordinance, on na-waies hurt nor pre-judge the Lordes of Seſſion, and Colledge of Iuſtice, and their members: Bot that they haue, and ſall vſe their priviledge, to perſew their actiones, before the ſaidis Lordes or vtheris ordinar Iudges, according to auld accuſtomed vſe, vſed and obſerved before the making of this Act.

43 *The paine of malitious Pleyers.*

ITEM, OVR SOVERAINE LORD, And three Eſtaites, vnderſtanding that the maiſt parte of the lieges of this Realme, ar becum will-full, obſtinat and malitious pleyers: Swa that they will nocht bee content to pay and ſatiſfie their creditoures, of ſik debtes as they aucht juſtlie to them, and do and fulfill, all maner of lauchfull deedes, quhair-unto they ar ſpeciallie oblíſhed, without calling and compulſion of the law and extreemitie theirof. Therefore ſtatutis and ordanis, that the partie againſt quhom decreete beis given, anent liquid ſũmes before the L. of Seſſion, ſal pay to the ſaidis Lordes twelue pennies of everie punde, effeirand to that quhilk beis recovered and obteined before them: And in all decretes conſiſtand *in facto*; He quha tinis the pley, ſall content and pay to the ſaidis Lordes, the ſumme of fiue pundes money: And alſwa the expenſes of the partie obteiner of the decreete, at the modification of the judge, And ordainis the ſame forme and ordour to be obſerved heirintill: as hes bene keept be the ſaids Lords, in vptaking of 40. ſhillings of ilk decreit of before.

44 *The Lordes of Seſsion ar Iudges to the interpretation of the Law of Obliuion.*

OVR SOVERAINE LORD, With adviſe of his three Eſtaites of Parliament, ſtatutis and ordanis, that the Lordes of Councell and Seſſion, ſall in all time cumming be judges ordinar to the interpretation of the Acte of obliuion and parties compleenand, to intend, perſew and giue in the libelles and ſupplicationes thereupon to them: And as they decerne and decreete in the ſaidis maters; to be als effectuall, as gif they had firſt bene appoynted ordinar Iudges, to the ſaidis cauſes, be the foreſaid Acte of Obliuion. Providing alwaies there be nine ordinares of the ſaidis Lords of Seſſion, at the giving and pronuncing of ilk decreete, and interloquutour in the foreſaides cauſes: Sik-like as they obſerue in al vther maters and actiones, depending before them.

45 *Quhen, quha, and how Notares ſuld be admitted, of their Cautioners and Protocoll.*

FORSAMEIKLE As the Kingis Majeſtie and Eſtaites of Parliament, conſidering the great fraude vſed be diverſe Notares, in the Office of Notarie, within this Realme, the hurte and skaith cumming therethrough, to his Hieneſſe Lieges: And that mony perſons within thir few zeires, being admitted to the Office of Notarie, with over ſlender tryall taken of their knawledge & qualification, and they being for the maiſt parte ignorant of the commoun courſe of the Law, forme and practicke: Quhilk ordourlie aucht to be obſerued in making of their inſtrumentes: contractes, and vtheris writtes, titles and ſecurities, nocht knawing quhat may ſtand be law, ordour and practik, obſerued within this Realme, and quhat not: hes genered and dailie generis mony plees, queſtions and controverſies, amangſt his Hieneſſe Lieges, bringing them in great trouble, charges and expenſes. FOR Remeid quhairof, it is ſtatute and ordaned, be his Majeſtie, with adviſe of the three Eſtaites of this preſent Parliament, that all admiſſion of Notares in time cumming, ceaſe and ſtay for the ſpace of fiue zeires, nixt after the dait of thir preſents: And that nane be admitted Notares thereafter: bot they that hes reaſonable vnderſtanding in the *Latine* toung, and is at the leaſt congruous: That they haue ſerved and beue in companie with ane of the Lordes of Seſſion, Commiſſares, writers to the Signet: Or ſum of the Schireffe, Stewarde or Baillie Clarkes, of the Schire, or commoun clerkes of the head Burrowes of this Realme: And haue ſerued them trewlie, the full ſpace of ſeuen zeires, and reporte their teſtimoniall of their trueth and qualification, to be ſchawen to the Lordes of Councell, in time of their examination, quhilkis ſall take care in the ſame examinatioun bee their ſelues, or ſum of their awen Clerkes of the Signet, quhom they pleaſe call to them for that effect. And ſpeciallie, they ſall cauſe the parties, deſirous to be admitted Notar, giue a pre-

a preſent and full proofe in their preſence of his writing and congruitie, be forming of ſum evident; As charter of Ward, blench, few-ferme, burgage, mortification, or appriſſing, or of ane precept paſt on ane retour, or of *Clarè conſtat*, or of ane infeftment of reſignation, in favour *ad perpetuam remanentiam*: or ſum inſtrumẽt of ſeaſing, or of an contract, a cõpromit, a procuratorie, a tacke, a reverſion, acquittance, obligation, or ſum vther commoun forme of evident. And nane to be admitted, bot be tryall and proofe in maner foreſaid; And quhairas diverſe and ſindrie Notares, hes bene admitted in time by-gane, and caution found be them, conforme to the actes maid there-upon, and that the cautioners, quhilkis become caution for them, ar for the maiſt part deceaſed. It is ſtatute and ordaned, that the bands and actes of the ſaidis cautioneris, ſall extend againſt their aires: And that all Notares within this Realme, ſall bring and preſent their Protocoll buiks, before the Lords of Seſſion, betuixt this & the firſt day of *Ianuar* nixt to-cum: To be vſed and conſidered be the ſaidis Lordes: That it may be knawin how monie of their Cautioners ar on liue; And how monie deceaſed: And quhair they ar deceaſed, or ſalbe found be the ſaidis Lordes to be inſufficient, that vthers new and ſufficient cautioneris, bee founden in place of the cautioneris deceaſed, to the contentment of the Lordes of Councell. And that ſik Notares as ſalbe foundin altogether ignorant, and not worthie for vſing of that Office, ſalbe depriued of all vſing thereof in time cumming: And ordanis the Schireffe of euerie Schire, Baillie of Regalitie, their deputes and vther judges ordinar quhat-ſum-euer, to ſende trew report and knawledge to the Clerk of Regiſter, betuixt this and the firſt day of *November* nixt-to-cum, of all perſones vſing the Office of Notarie, within their boundes and juriſdiction. And gif onie Notares failzie in preſenting of their Protocoll buikes, to the effect vnder-written, that not onelie ſal they be deprived fra their office, and al their inſtrumentes quhilks they ſall giue foorth thereafter, declared null, and to make na faith: Bot alſwa they ſalbe called & perſewed, as tranſgreſſoures of his Majeſties lawes and Actes of Parliament, and puniſhed as perſones defamed, and vn-worthie to bruik Office or place of credite thereafter. And further ordanis, that ilk Cautioner, to be foundin be Notares in time cumming, for dew adminiſtration in their Offices, becum obliſhed in ſpeciall, that their Protocoll buikes, within xv. dayes nixt after their deceaſe, ſalbe brocht to *Edinburgh*, and deliuered to the Clerk of Regiſter, or ane of his deputes, appointed be him to that effect, quha ſalbe halden to ſatiſfie the relict bairnes, or Executour of ilk Notar, for the ſame Protocoll, at the ſight and modification of the Lordes of Seſſion: And thereafter the ſaidis Notaris buikes to be reteined and keeped in OVR SOVERAINE LORDIS Regiſter. And the Clerk of Regiſter, and his deputies, to be anſwerable therefore: And to make the ſame patent and foorth-cummand to all OVR SOVERAINE LORDIS Lieges, having intereſt thereto, vpon their reaſonable expenſes.

46 *Of the number of Officiars of Armes, their depriuation, their cautioners, and head Courtes, to be halden be the* Lyon, *King of Armes.*

OVR SOVERAINE LORD, And three Eſtaites of Parliament, conſidering how of late zeires, there is entred in the office of armes, ſindrie extraordinar Maiſſers, and Purſeuants, and ane verie great number of Meſſengers, through importune ſute of diuerſe parties, in ſik a confuſed and incertaine maner, that it is become doubtfull quha ar admitted, and how, and quha depriued, or nocht: Or quhidder their cautioners be liuand or departed this life. And ſeeing there was alwaies in times of beſt government, a certaine number of officiars of armes: It is now therefore thocht expedient, ſtatute and ordaned, that in time cumming, there ſalbe onely twa hundreth perſones, wearand and bearand our Soveraine Lordis armes, in the haill boundes of the Realme of *Scotland*: In quhilk number, *Lyon* King of armes, and his brether, the ordinar Herauldes, Maiſſeres and Purſeuants, ſalbe comprehended, being in number xvij. perſones, and the remanent, to be divided amangſt the remanent Schireffe-domes of the Realme, in maner following: That is to ſay, within the Schireff-dome of *Orknay* and *Zetland*, four: within the Schireffe-dome of *Innernes* and *Cromartie*, ten: Within the Schireffe-dome of *Narne*, twa: Within the Schireffe-dome of *Elgin*, and *Forres*, fiue: within the Schireffe-dome of *Bamff*, four: within the Schireffe-dome of *Aberdene*, xij: Within the Schireffe-dome of *Kincardin*, iiij: Within the Schireffe-dome of *Forfare*, x: Within the Schireffe-dome of *Fiffe*, x: Within the Schireffe-dome of *Kinroſſe*, twa: Within the Schireffe-dome of *Clack-mannan*, ij: within the Schireff-dome of *Perth*, and Stewartries of *Menteith* & *Strathern*, xij: Within the Schire-dome of *Striviling*, fiue: Within the Schireffe-dome of *Dumbertane*, four: Within the Schireffe-dome of *Linlithcow*, four: VVithin the Schireffe-dome of *Edinburgh* principal, xxiiij: Within the Schireffe-dome of *Edinburgh*, and Conſtabularie of *Hadingtoun*, iiij: Within the Schireffe-dome of *Ber-wick*, four: Within the Schireffe-dome of *Roxburgh*, viij. Within the Schireffe-dome of *Selkirk* ij. Within the Schireffe-dome of *Peblis* iij. Within the Schireffe-dome of *Lanark*, x: within the Schireff-dome of *Renfrew*, iiij: within the ſhireffe-dome of *Argile* and *Tarbert*, iiij: VVithin the Schireffe-dome of *Bute*, ij: VVithin the Schireffe-dome of *Air*, xij. VVithin the Schireffe-dome of *Wigtoun*, iiij: VVithin the Schireffe-dome of *Dumfreis*, and ſtewardries of *Kirk-cudbricth* and *Annandaill*, xii. And to the effect that the ordour now appoynted, may take the better effect; ordanis and commandis, *Lyon* King of Armes, that he on nawaies receiue ony maner of perſon, to the office of meſſengerie in time cumming, except it be in the place of ane of the perſons, that ſalbe thought meete to be reteined, after the firſt day of *Nouember*, nixt-to-cum, be his deceaſe or deprivation: Notwithſtanding ony precept or warrand given, or to be given in the contrair: Quhairin, gif he failzie, he ſall incur the indignation of our Soveraine Lord, & the perſons ſa admitted, ſall haue na place to vſe and exerce the ſaid Office, nor his executiones quhatſum-euer, ſall nawaies be valide in Iudgement, or out-with.

And

And for tryal quhilks of the perſons now occupyand the office of meſſengerie, ar worthie & meet to be reteined in that Office during their lifetimes. OVR SOVERAINE LORDE, ordanis letters to be direct to the Commiſſioners, nominat be his Hieneſſe, in the Schires, quhilks conveening in the Tol-buith of the ſaid Burgh of the Schire, at the nixt head court after *Michael-mes* nixt-to-cum, ſall returne their adviſe to the Lordes of Councell and Seſſion, vpon the firſt day of *November* nixt-to-cum: Quhat meſſengers within everie Schire, (not exceeding the number aboue written) they think maiſt honeſt, worthie, and able to be reteined in the office, during their life-times: Or quhill they be deprived for worthie cauſes. Quhilks perſones, being thoucht meeteſt to be reteined, as ſaid is, ſalbe recommended be the ſaidis Lordes of Seſſion to *Lyon* King, to be continued in their offices: And authorized be him, with teſtimonialls of new, as found worthie be the judgement of the Schire, quhairin they dwell, and recommended be the Lordes of Councell and Seſſion: And that they haue new blaſones of Silver, in ane forme and quantitie, in ane honeſt and civill forme: ſeeing the commoun Armes, maid be meſſengers in times bypaſt, wer ſa ſlender and gude cheape: That the greater number of ſlichtmen ſought to be admitted to that office, quhilk aucht indeede to be vſed be perſons of diſcretion, honeſtie & credite: That every perſon ſo admitted of new, ſal finde gude & reſponſable ſouerties for obſeruatiõ of the injunctiones, cõteined in the end of this preſent act, vnder the paine of v. marks, to our Soveraine Lords vſe: with coaſtes, skaithes, damnages, & intereſt of parties greeued be the falſed, negligence, or informalitie of ony Officiar, That the names of the perſones, aſweill admitted of new, as deprived, be publiſhed and imprented, within the ſpace of ane moneth, after the ſaid firſt day of *November*, nixt-to-cum: That nane ſalbe abuſed, or pretend ignorance in default thereof. And for all complaintes to bee maid to *Lyon* King of armes, vpon the default of Officiares in time cumming, he ſall ſett twa peremptour Courtes in the zeir, to be halden in *Edinburgh*, vpon the ſext day of *May*, and the ſext day of *November*, gif they be lauchfull: and failzieng thereof, the nixt lauchfull daies. And ſall ſummound the partie compleined vpon, be his precept, conteinand the cauſe of the complaint relevantlie libelled. And cauſe ſummound the perſones accuſed, and his cautioner, on fifteene daies warning, and deliver their copies, concludand, in caſe the officiar be found culpable, nocht onelie his deprivation fra his Office, bot his cautioner to incur the paine, quhairof the thrid part ſall apperteine to the ſaid *Lyon* king of armes for his labours. And that his acts and decreetes, be formallie written and regiſtrat, and patent to all our Soveraine Lordis Lieges hauand intereſt. And ſik like letters conforme to pas thereupon, as vpon the decreetes of quhatſum-euer judges ordinar within this Realme.

47 *All* Superſederees *as contrair to furtherance of Iuſtice, ar forbidden.*

FORSAMEIKLE As OVR SOVERAINE LORD, And Eſtaites of this preſent Parliament, vnderſtanding great contempt to be done to his Hieneſſe Lawes, and great hurt to his Lieges, be paſſing of Licences and *Superſederees*, quhilk dailie vſes to be granted to ſik as be them ſelues, or vther friends, hes credite of his Majeſtie, they being at his Hienes horne: either for cauſes of treaſon, or none-ſatisfying of their debt to their creditoures: or not obtemperand decreetes & charges. THEREFORE OVR SOVERAINE LORD, with aduiſe foreſaid, ſtatutis and ordanis, that na ſik Licences and *Superſederees*, be granted in onie time cumming. And in-caſe onie happenis to be purchaſed, declaris the ſame to be null of the Law, and not admiſſable be onie judge, nor effectuall to the purchaſer in onie waies. And ordanis all judges within this Realme, to to proceede and do juſtice to the parties, ſik-like, and in the ſame maner, as gif the ſaidis *Superſederees* had neuer bene purchaſed, nor produced.

48 *Requiſition of teynding, may be done vpon twa ſeverall Sabboth-dayes.*

ITEM, OVR SOVERAINE LORD, With aduiſe and conſent of his three Eſtaites, ratifies and appreuis, the Acte of Parliament, maid at *Edinburgh*, in the zeir of God, ane thouſand, fiue hundreth, thrie-ſcore nine-teene zeires: For reliefe of the labourers of the ground, troubled for want of timous teinding of their Cornes. And ordanis the ſame to be obſerued, and to be put to execution in all poyntes, after the forme and tenour thereof, with this addition: That it ſalbe ſufficient to all labourers and awners of the Cornes, in time cumming, to require teinding of the partie, hauing the title, tack, or richt to the ſaidis teind-ſcheeues, openlie in the Paroche-Kirk, vpon twa ſeverall Sabboth-dayes, before noone, after the ſcheering of the ſaidis Cornes; Prouiding that there be xiiij. dayes interjected fullie, betuixt the daie of the firſt requiſition, and before it ſalbe lauchfull to the awners of the ſaidis Cornes, to teind the ſame, and lead the ſtocke therefra, in maner conteined in the ſaid former Act.

49 *He that accuſis another of treaſon, qnha is acquite thereof, committis Treaſon.*

FORSAMEIKLE As the cryme of Treaſon is maiſt odious, and deſeruis the higheſt puniſhment in all perſones culpable thereof: Swa on the vther part, the malicious accuſers of innocent perſones, ar nocht to be credited, bot ſeuerelie puniſhed: THEREFORE It is ſtatute and ordaned, be OVR SOVERAINE LORDE, and three Eſtaites of

this preſent Parliament: That quha-euer accuſis ane vther perſon of treaſon, the partie calumniate being called, accuſed, & acquite of the ſaid crime of treaſon, his accuſer ſall incur the ſame crime of treaſon, quhairof he accuſed the vther.

50 Landed-men convict of thieft, rieſe, or receipt thereof, committis treaſon.

ITEM, It is ſtatute and ordaned, be our SOVERAINE LORDE, and his three Eſtaites, in this preſent Parliament, that in-caſe it ſal happen onie Landed-men, to be lauchfullie and ordourlie convict of the crimes of commoun thieft, receipt of thieft, or ſtouth riefe in time cumming: They ſall incur the crime and paine of treaſon: That is, tinſell and fore-faltour of life, landes and gudes.

51 Murther or ſlauchter vnder-credite, is treaſon.

ITEM, It is ſtatute and ordaned, that the murther or ſlauchter of quhatſum euer OVR SOVERAINE LORDIS lieges, quhair the partie ſlaine is vnder the traiſt, credite, aſſurance and power of the ſlayer: Al ſik murther and ſlauchter, to be committed in time cumming, after the daite hereof, the ſame being lauchfullie tried, and the perſon delated found guiltie, be an Aſſiſe thereof, ſalbe treaſon, and the perſones found culpable, ſall fore-fault life, landes and gudes.

52 It is not leſum to take ane greater annuall-rent, for the 100. pundes, nor ten pundes, or fiue bolles victuall.

OVR Soveraine Lord, with advile and conſent of his three Eſtaites of this preſent Parliament, ſtatutis, ordanis, and declaris, that quhat-ſum-euer perſon or perſones, in time cumming, be onie block or bargaine, vpon pledge or annuall-rents alſweill of victuall, as of money, ſall take or receiue mair for the leane, intereſt, profite of zeirlie annuall of an hundreth punds money, during the haill ſpace of ane zeir, nor ten pundes money: Or fiue bolles victuall: Swa of greater or ſmaller ſummes proportionallie. That all ſik perſons, takers or makers of ſik blockes and conditiones, for greater or mair profite, intereſt, commoditie, or annuall, for the ſpace of ane zeir, or for langer or ſhorter ſpace, after the proportion of the zeir, then ten punds money, or fiue bolles victuall, for ilk hundreth pundes be zeir, ſalbe halden repute, perſewed and puniſhed as ockerers and vſurers, and receiue and incur puniſhment and judgement of the ſame: Conforme to the Lawes of this realme, alreadie maid & eſtabliſhed thereupon. Providing alwaies that this preſent act of Parliament, force and execution thereof, on-nawaies ſall be extended to onie lauchful bandes, contractes, obligationes, infeftments, or vther ſecurities quhatſum-euer, maid vpon annuall-rentes of money or victuall, preceedand the dait of thir preſents: bot they to ſtand and abide in their awen ſtrength and effect in all pointes, after the forme and tenour thereof, as they were maid from the beginning.

53 Anent

53 *Anent the making of the prices of Wines and Tymmer*

IT IS Statute and ordained be OVR SOVERAINE LORD, with aduiſe of his three Eſtaites of this preſent Parliament, that nane bearand charge or office within Burgh, beand merchant, hame-bringer, or portioner of Wines and Tymmer, ſalbe ſetters of prices on the ſame, during the time of their Office, and their-vpon they ſalbe ſubject to ſuffer ane aſſiſe of their neightboures, within fifteene dayes nixt after the expyring of their office, before the Proveſt and Baillies of the Burgh, to be newlie choſen, hauand the Kinges Commiſſioner ſittand in judgement with them to that effect, without quhome it ſall not be leſum to proceede: To the effect that Iuſtice be not abuſed: and to the effect that certaine ordour may bee obſerved in all time cumming, anent the ſetters of prices of Wines, and Tymmer, and of their number, & for eſchewing all deceipt & abuſes done their-anent.

IT IS Statute and ordained, that zeirlie in time cumming, there be twa barrones, or vther twa ſufficiēt landed gentilmen, nominate at the head Court after *Michael-mes* within ilk Schiref-dome of this Realme, and vther twa perſones to be zeirlie nominate at that ſame time be the Kinges Majeſtie and his ſecret councell. Quhilks foure perſones ſalbe all actuall inhabitantes within the ſaidis Burrowes; Or at the farreſt, dwelland within ſex mile to ilk Burgh: And foure Burgeſſes that are knawen not to exerce, nor be parteners in ſik trade of marchandice, to be choſen zeirlie at the ſaid feaſt of *Michael-mes*, be the councel of ilk free Burgh, of Merchantes, or crafteſmen of ilk Burgh, according to their proper cuſtome & priuileges, preſentlie obſerved be them in zeirlie election of their Councell, and Officiares. Quhilkis aucht perſones zeirlie to be elected and nominated, as is before ſpecified, ſalbe the onelie priceres of all Wines, and Tymmer, that cummis within this Realme hereafter. And that they exerce their ſaid office from the day of their election to that day twel-month allanerlie, And that zeirlie new election be maid of ſik officiares to indure na langer, bot for the ſpace of ane zeir, as is abone written. And ordainis ilk Schireffe depute, be himſelfe or his Clerk, to intimat and nominate to the Councel of ilk Burgh the names of the ſaides twa Barrones, zeirelie to be choſen, as ſaid is, within three dayes nixt after ilk feaſt of *Michael-mes*, and the Theſaurer and his deputes, zeirlie within ſex dayes next after ilk *Michael-mes*: To advertiſe and certifie the Councell of ilk free Burgh, of the Kinges twa Commiſſioneres, zeirlie to be nominat be him, to that effect. With power and licence to the ſaidis four Burgeſſes, zeirlie to be elected, as is abone ſpecified; That in-caſe the ſaids twa Barronnes and the Kings Commiſſioners being lauchfullie warned perſonallie, or at their dwelling places, be the townis officiar, to repaire to the Burgh to that effect, and cummis not within 48. houres nixt after the ſaid warning; That then it ſalbe leſum to the ſaids foure burgeſſes of ilk Burgh, be them-ſelues to ſet the prices of the ſaides

Wines and Tymmer, and the ſamin power and licence is in like maner granted and permitted to the ſaidis foure Burgeſſes, zeirlie, quhen it ſall happen the Kingis Commiſſioners and Barronnes, nocht to be elected and dewlie intimat, to the ſaidis Burrowes, in maner, and at the ſpeciall times aboue ſpecified. And als ſtatutis and ordanis, that na Wines be brocht in this Countrie, be quhat-ſumeuer inhabitantes theirof, without ane Teſtification of the price of the ſame, vnder the Tounes Seale where they were coſt: and ane Teſtimoniall ſalbe ſufficient for the haill Wines of ilk Schip, and the price to be maid of the commoun prices that Wines giues, the time of their bying thereof.

54 *Vnlauchfull cuſtomes of victuall, and vther guddes ar forbidden.*

FORSAMEIKLE As ane of the ſpeciall cauſes of dearth, proceedis from the exorbitant cuſtomes and impoſitiones, layed vpon victualles, cornes and gudes, cummand to mercattes, free-portes or Hauens, without onie warrand, and quhairof they haue not bene in vſe and cuſtome paſt memorie of man, quhilk is ane oppreſſion of the people, and ane cauſe of in-creaſe of dearth. THEREFORE OVR SOVERAINE LORDE, With aduiſe of the three Eſtaites of Parliament, forbiddis and diſchargis through the haill Realme, all ſik cuſtomes and impoſitiones, quhairof there is na warrand, neither haue the intromettours and vptakers thereof, and their predeceſſoures, bene in vſe and poſſeſſion thereof, paſt memorie of man. And ordanis the takers of the ſaidis exorbitant impoſitions to be called therefore: And quhat-euer they haue vp-tane, to be adjudged to rander the ſamin to the Kingis Majeſties vſe: And they furder to be puniſhed in their perſones and gudes, as oppreſſoures of the people; conforme to the Lawes of the Countrie: And that na cuſtome be tane hereafter, bot according to our auld Lawes and Actes of Parliament, and quhair-vpon the vp-takers hes ſpecial Warrand, at the leaſt, bene in poſſeſſion theirof, paſt memorie of man, as ſaid is.

55 *Victuall may not be tranſported foorth of this Realme, neither be Land, nor be Sea.*

ITEM, In conſideration the great increaſe of the dearth of vivers, principallie proceedis throw tranſporting of the ſamin, baith by Sea and Land: Quhilk would be alluterlie abſteined fra, and remeid found theirfore: In reſpect quhairof, OVR ſaid SOVERAINE LORDE, with adviſe of the ſaidis three Eſtaites of Parliament, ſtatutis, decernis, and ordanis, that the Wardens of the Marches, ſalbe anſwerable to the King, for all victualles and gudes tranſported in *ENGLAND*, fyling their Marches. In doing quhairof, they ar na furder obliſhed to their Natiue Countrie, nor to an *Engliſh-man*, in-caſe his gudes ſtollen, fyle his March,

and

And to the effect the ſaids Wardens may be the mair diligent there-anent, decernis and ordanis the equall halfe of the ſaids guddes and victualles, tranſported in *England*, to apperteine to the ſaid Warden: And the vther halfe thereof, to appertei ne and be maid foorth-cummand to OVR SOVERAINE LORDIS vſe. And for ſtaying the tranſporting of victualles be Sea: It is ſtatute and ordaned, that the Schippe and haill guddes, & geare belanging to the Maiſters thereof, & Clerkes of the ſame Schipps tranſporters of the ſaid victualles, ſalbe confiſcat, and the ſaidis Maiſters & Clerkes, perſones ſubject to impriſonment, at the will of his Majeſtie: And for the better execution thereof, OVR SOVERAINE LORDE, with aduiſe foreſaid, declaris & ordanis ilk free Burgh within this Realme, zeirlie at the feaſt of *Michael-mes*, to elect & chooſe ane ſufficient Burges, to be ſearchour at the ſea Portes, of the ſaidis victualles, to be adjoyned to the Kingis ſearchers, of equall power with him, in all reſpectes. And that they may vſe and exerce the ſame office conjunctlie or ſeverallie, as occaſion ſall ſerue and require: And the equall halfe of the ſaidis victualles, to be apply-ed to the vſe and commoditie of ilk Burgh: And the vther halfe, to the Kingis vſe. And ſik-like, grantis the ſame power to the Baillies of all Regalities and Burrowes of the ſame, quhair-vnto the ſaidis Burrowes, and Baillies of Regalities, ſalbe halden to anſwere zeirlie of their diligence, in the premiſſes.

56 *Horſe ſuld not be halden at the hard meate, after the firſt day of* Iunij.

ITEM, It is ſtatute and ordaned, be OVR SOVERAINE LORD, with adviſe of the Eſtaites of this preſent Parliament: That na perſon quhatſum-euer within this Realme, keepe, hald, or interteinie ony Horſe at hard meate, after the firſt day of *Iunij* zeirlie, in time cumming: Except Erles, Lordes and Barronnes, quha, and ilk ane of them may ſpend twa thouſand pounds of zeirlie rent, at the leaſt. And fra the ſaid firſt daye of *Iunij* zeirlie; It is permitted to ilk Erle and Lorde, ilk ane of them to halde & interteinie, at the hard meate, twa horſes at the maiſt: And ilk Barrone, ane horſe onelie. With certification to the contraveeners of the ſaid Acte, that it ſalbe lauchful to the Schireffe of ilk Schireffedome, & their deputes, to eſcheit and intromet with their horſe, quhair euer the ſamin may be apprehended. Like as our Soueraine Lord and three Eſtaites, be thir preſents, giues them full power to that effect. That the ane halfe of the ſaidis eſcheit horſes to perteine to the King, and the vther halfe to the Schireffes.

57 *Anent victualling of Schippes, paſſing to the* North *fiſchinges, and caution to be fund for their returning.*

ITEM, OVR SOVERAINE LORD, And his thre Eſtaites, conveened in this preſent Parliament, ſtatutis & ordanis, that the cuſtumares & ſearchers, ſal take inquiſition and note, quhat quantitie of victual euery

Schippe or Veſſell, takis in at her paſſing to *Loch-broome*, and vtheris the North *Ilcs*, and loches in the Harveſt ſeaſon in fiſhing: And take ſouertie that they ſall returne the thrid part of their lading of Herring or quhite-fiſh, within this Firth, or vtheris free Burrowes, to be ſold to OVR SOVERAINE LORDIS Lieges, for their ſuſtentation, and furniſhing of the Countrie, vnder the paine of ane hundreth pundes.

58 Anent licences to be granted for eating of fleſh, in forbidden time.

ITEM, OVR SOVERAINE LORD, And his three Eſtaites of this preſent Parliament, ratifies and appreuis, the Acte of his laſt Parliament, maid at *Edinburgh*, in *Auguſt*, the zeir of God 1584; Againſt the eaters of fleſh in *Lentron*, and vpon *Wedneſ-day*, *Frydaie*, and *Setterday*, euerie oulk; And ordanis the ſame to haue full effect and execution in time cumming: With ſpeciall proviſion, that na licences ſal be granted for eating of fleſh on the ſaidis daies, in time cumming; Except the deſirer thereof, report a teſtimoniall, ſubſcribed be a Doctor of Medicine, or be the Miniſter of the Parochin, quhairin he dwellis, that ſik a perſon is ſicklie, and neceſſarlie mon haue the ſaid licence: And then to be granted, vpon the compoſition of xx pundes: to be payed to the Theſaurer therefore. And in-caſe onie licences ſalbe procured for onie Fleſhers to ſlaie and ſell fleſh, on the ſaidis daies, and time of *Lentron*, Or to Cookes to prepare them, and make them reddie: The ſaid licence ſall not paſſe the Signet, quhill the partie inquhais fauoures it is purcheſſed, pay for the ſame licence to his Hieneſſe Theſaurer, the ſumme of ane hundreth pundes, without defalcation, or compoſition.

59 Slayers of wilde-beaſtes, committes thieft.

OVR SOVERAINE LORDE, vnderſtanding that there hes bene diverſe Actes of Parliament maid of before, anent the ſlaying of Hart, Hinde, Dae, Rae, Hares, Cunninges, and vtheris Wild-beaſtes with Culveringes, Croſ-bowes, and hand-bowes: And ſpecially the Actes maid in the Parliament, halden at *Edinburgh*, the zeir of GOD, ane thouſand, fiue hundreth, three ſcoir ſeuen zeires, And in *November*, 1581. zeires. Quhilkis Actes, hidderto hes tane na effect, and that in default of the Magiſtrates, quhilks were appoynted to put the ſame to execution. THEREFORE His Hieneſſe, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreeved the ſaidis haill Actes in all poyntes paſſes, clauſes and articles theirof, with this addition; That the ſlayers and ſchutters of Hart, Hinde, Da, Rae, Haires, Cunninges, & vthers beaſts, without licence, or allowance of the awners, ſal be like cryme to the committers, as the ſtealers of Horſe and Oxen, and the committars thereof, ſal incurre the paine and puniſhment, dew to the cryme of thieft.

60 *The places appoynted for Proclamation, and ſeruing of Brieues.*

ITEM, For the eſchewing of ſik hurt and inconuenient in time cumming, as ſindrie parties heretofore hes ſuſteined, throw Proclamation of Brieues at places doubtfull, and appoynted them to be ſerved in places incertaine, far diſtant fra the head-Burrowes of the Schireffe-dome, quhair the lands lies, quhilk hes maiſt frequently occurred in ſum ſhireffe-domes, quhair there is ſum vthers juriſdictiõs of Stewardries or Baillieries, within the bounds of the ſame Schireffe-domes, & ſum Schireffe-domes quhairof the head burrows ar decaied or fallẽ indiſſuetude. For remeid of the quhilk inconvenients and doubts in time cumming: It is ſtatute and ordaned, that all Brieues for ſervice of landes, liand within the bounds of the ſtewardries of *Stratherne*, and *Menteith*, ſalbe proclamed at the mercat Croſſe of *Perth*, and to be ſerved at the places vſed and woont within the ſaids ſtewartries. Al within the ſtewartrie of *Fife*, be open proclamation at the mercat croce of the Burgh of *Couper in Fife*. All within the Baillieris of *Kyle*, *Carrict*, and *Cunninghame*, at the mercat croce of the burgh of *Air*. All within the ſtewartries of *Kirkcudbricht* & *Annandail*, at the mercat croce of *Drumfreis*, And that the places of ſerving of brieves, and halding of Courtes to that effect, be alwaies in the Tolbuith of the head Burgh of the Schire, Stewartrie or Baillierie, or vther pairtes within the ſame Stewartries, and Baillieries, quhair Brieues were maiſt vſually ſerued, and Courtes halden to that effect of before.

61 *Ane laick patrone infeft in the richt of patronage, wed-ſet be onie his predeceſſoures, after the Redemption theirof, cannot be hurt, be lang poſſeſſion of ane Eccleſiaſticall perſon.*

OVR SOVERAINE LORD, VVith aduiſe of his three Eſtaites of this preſent Parliament, vnderſtanding that diverſe Erles, Lordes, Barronnes, and vtheris his Hieneſſe free-halders, being infeft in their lands and barronnies, with advocation, donation, and richt of Patronage of Benefices: They haue annalied certaine of their landes and barronnies, in wed-ſett, vnder reverſion, through the quhilkis alienations, the ſaidis landes and Barronnies hes remained with the perſones receiuers theirof in wed-ſett, ane 100. zeires and mair. In the meane time, certaine Prelates, Abbotes, or vther Eccleſiaſticall perſones, hauand richt or title, cled them with the ſaidis Benefices, and thereby, quietlie intrudis them in the poſſeſſion and richt thereof, in default of the ſaidis Patrones, quha take na regard thereto, during the ſaid none-redemption of the ſaidis wed-ſettes. Quhair through, the ſaidis iuſt and lauchfull laick Patrones of the ſaidis benefices, hes bene heavelie prejudged in their richtes and preſentations of the ſame in time by-gane: Therefore for remeid, theirof, It is ſtatute and ordaned, be our Soueraine Lorde, that na poſſeſſion apprehended bee Biſhoppes, Abbotes, Priors, or vther Kirk-men, of quhatſumeuer Perſonages, Vicarages, Chaplanaries, Prebendaries, or vther Benefices, be langand to the ſaidis Erles, Lordes, Barronnes, Free-halders, or vtheris

laïck patrones, and quhairin they ar ſpeciallie infeft be their chartoures, ſall be ony waies hurtfull or prejudiciall to their richtes and titles, of the ſaidis laïk patronages, after redemption of their landes and Wed-ſettes, alſweill alreadie vſed in times bypaſt, as to be vſed: Bot that the ſaidis laïck patrones may as freelie bruik, ioys, and vſe their ſaids Patronages, and preſent qualified perſones thereto at all times: ſik-like as the ſaidis Kirk-men had neuer apprehended poſſeſſion of the ſame, and not-withſtanding thereof.

62 The principall gift of Penſions ſuld be produced, and the ſamin being improven, The confirmation, and all decreets following there-upon, ar nul.

OVR SOVERAINE LORD, and three Eſtaites of this preſent Parliament, hauing conſideration how that ſindrie Benefices within this Realme, hes bene burdened with counterfaicted and invalide giftes of Penſiones of victuall, or ſiluer, or ſpeciall aſſignation of haill Kirkes, with fruites theirof: And vpon the ſaid feinzied & invalide giftes, hes obteined his Hieneſſe, or his Predeceſſoures ratification, ather in Parliament or outwith, and but onie ſight of their principall gift, vpon their onelie ratifications and confirmations, hes obteined decreetes before the Lordes of Seſſion, and vtheris Iudges, quhair in-caſe they had produced onie principall, ather the ſame wald haue bene found invalide, or the falſed theirof walde haue bene tryed or knawen. Therefore it is ſtatute and ordaned, be OVR SOVERAINE LORD, And three Eſtaites foreſaides, in time cumming, that quhair euer queſtion or controverſie ſal ariſe, vpon the Penſions to be purchaſed or obteined, be quhatſumeuer perſons, after the dait hereof: Or vpon the invalidity of the ſamin Penſiones, the partie ſuiter of the ſaid Penſion, ſalbe halden to produce the principall gift and penſion; To the quhilk their ratification and confirmation ſalbe relatiue, at the deſire of the partie, quhais benefice is burdened bee that penſion, vtherwaies they ſalbe ſecluded fra all richt, to the ſaid penſion, or ony part thereof. And incaſe the principall gift and diſpoſition, beis outher improven or reduced be the judge ordinar: In that caſe the ſaid party pretendand richt to the ſaid penſion, ſall never be heard to acclaime onie benefite thereby: Notwithſtanding onie ratification, confirmation, decreetes, or letters in the four formes following there upon: Quhilks the ſaidis Lordes declaris, needis na reduction in this caſe, in-times cumming: The grounds to the quhilks, the ſaids ratificationes, confirmationes, and decreetes is relatiue, being tane awaie.

63 The Checker ſuld begin the firſt day of Iulij. *Anent abſents thereſra, and chargeing perſones to compeir.*

OVR SOVERAINE LORD, with aduiſe of his three Eſtaites, conveened in this preſent Parliament, for the greater certaintie of his Hienes Checker, and gude ordour to be keeped therein, quhairthrow gud reckning

reckning, and compt may be maid of his Hieneſſe rentes in dew time: Statutis and ordanis, that his ordinar Checker, ſal begin zeirlie in time cumming, vpon the firſt day of *Iulij*, and ſall end vpon the laſt day of *Auguſt*. And that alſweill the perſons, quha ſall be nominate and conſtitute Auditoures of the Checker, as all that aucht to make compt therein, be dewlie warned be Precepts, to compeir thereat, ilk perſon, vnder the paine of 40. punds. And in-caſe of their abſence, at the dayes appoynted; That they be vn-lawed in the ſaid ſumme, and letters of horning or poynding to bee direct againſt them, for payment theirof. And the Comptroller to charge him with the ſaidis vn-lawes in his compts. And at all time, fra the firſt day of the ſaid Checker, quhill the end thereof, that the comptares, that aucht to giue compt therein, in-caſe of their diſobedience of the precept of the Checker, be charged of new, at the mercat-croce of *Edinburgh*. And in-caſe of their diſobedience of the ſame charge; to be denunced rebelles, and put to the horne, at the ſame mercat-croce of *Edinburgh*. Quhilk denuntiation, his Majeſtie decernis to be als ſufficient, as gif the ſamin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the perſons dwellis, and regiſtrat in the ſame Schireffes buikes thereof: And that the horning be regiſtrat in the Theſaurers buikes, or Schireffes buiks of *Edinburgh*: That the Theſaurer, Comptroller, and Collectour, be them ſelues, or their Deputes and Clerkes, be preſent, during the haill time of the ſitting of the Checker, for ſik thinges, as may occur in ilk ane of their offices. And that na-thing be treated of in this ordinar Checker, bot onelie the handling of the Kings Majeſties awin affairs: And for maters and actions, betuixt partie and partie: Ordanis the Checker to conveene and ſit euerie Tueſ-day after noone, during the ſitting of the Seſſion, or at vther times, as it ſall pleaſe the Kingis Majeſtis to appoynt.

64 *All Schireffe Clerkes ſuld preſent in the Checker zeirlie all ſeaſinges.*

ITEM, It is ſtatute and ordaned, that the acte of Parliament, maid be our Soveraine Lordis deareſt Gud-ſchir, King *Iames* the Fift of gude memorie, for preſenting be the Schireffes and their Clerkes, of the Protocolles of all ſeaſinges zeirlie in the Checker, be put to dew execution in al points. And our ſaid Soveraine Lord, with adviſe foreſaid, of new ratifies and aprieuis the ſame acte. And ordanis that the Clerk of Court of ilk Schireffedome, cum with the ſaid Schireffe or his deputes, in euerie Checker, and bring with him ane buik, conteining all ſeaſinges, giuen be them, ſubſcribed with the ſaid Clerkes awin hand and ſigne manuall: That the ſamin may remaine in the regiſter: ſwa that the Kings Majeſtie may knaw his tennents, and all vtheris hauing intereſt, may haue recourſe thereto.

65 *All receiuers of the Kings rents, ſuld find Caution in* Edinburgh.

OVR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, ſtatutis and ordanis, that na Chalmerlane, nor receiver of the Kingis rentes remoovable, be receiued be the Comptroller, bot ſik

as

as findis ſouerties to the Comptroller in *Edinburgh*, to make compt in the ordinar time of the Checker, and to make payment within xx. daies after ilk time. Alſwa it is ſtatute and ordaned, that all herirable Chalmerlaines and compters, be charged to finde ſouertie, to the ſame effect.

65 Hie-land men and Bordereres, may be ſummoned at the mercat-croce of the Burgh.

ITEM, That al warnings & executiones, in the Kings cauſes to be maid againſt *Ileſ-men*, Hieland-men, or Borderers in broken Countries, *vbi non patet tutus acceſſus*, be maid at the mercat-croce of the head Burrowes of the nixt Schires, in the Law-land.

66 The Comptroller ſuld anſwer for all Chalmerlanes.

ITEM, It is ſtatute and ordaned, that the Comptroller in time cumming, charge him in his compt, with the haill rent of his Hieneſſe propertie, and be anſwerable for the haill charges of the Chalmerlaines and receiuers remoueable: Becauſe they ar of the Comptrollers awin making: And for vthers that hes their offices heritable, that the Comptroller ſchaw his diligence againſt them, before the making of his compt, quhilk ſall alwaies end, before the firſt day of *September* zeirlie. And declaris that his Majeſties propertie, ewin inſtant, as it is preſentlie, ſall finde, ſuſteine his houſe, according to the adviſe given be the Checker in *Auguſt*, 1586. And that quha euer hes the intromiſſion and receipt of the rents of the ſaid propertie, aucht and mon furniſh, the expenſes of his houſe in reddie money: that his furniſhing may be als gude cheape, as onie vthers. And this ordour to begin at the firſt day of *September*, nixt-to-cum: Or quhen his Majeſtie thinkis gude.

67 Anent Precepts of the propertie, and the Comptrollers comptes.

ITEM, That na precepts or diſcharges of ane part of the propertie, to be allowed in time cumming in Checker, except the ſame ſalbe ſubſcribed and accepted be the Comptroller, & alwaies the parties acquittance to be produced vpon compt, and na thing to be allowed *periculo computantis*.

68 All rentalles ar perſonall life-rents, quhairin na mention is maid of aires.

ITEM, It is ſtatute and ordaned, that all rentalles, ſett be onie OVR SOVERAINE LORDIS Predeceſſoures, of gude memorie, of onie landes, perteining in propertie to his Hieneſſe (except few rentalles, ſet to men and their aires) ſall haue na further ſtrength nor effect, nor ane naiked life-rent, and that after the deceaſe of the rentallers, his Majeſtie haue

haue power with aduiſe of his Comptroller, to ſet, vſe, and diſpone theirvpon at hispleſour of new in few, ather for augmentation of the former rentall, or for new entres ſyluer, and that all bee ſet in augmentation of the Kingis rentall.

69 The caſualities ſuld not be diſponed in great.

ITEM, It is ſtatute, that his majeſties caſualities ſall not be given away in great: as of the caſualities of ane hail Cuntrey togidder: Or the confirmation of the hail fewes of onie Prelacie; or of onie ſpeciall crimes.

70 Anent payment of pecuniall paines and compoſitiones.

ITEM, it is ſtatute and ordained be OVR ſaid SOVERAINE LORD, with aduiſe and conſent foreſaid, that all pecuniall paines of offenders, ſal be taken vp in gold and ſilver, at the availl of the money, quhen the Actes ware maid, or els augmented in the money now current. And the ſamin regaird to be had in making of compoſitiones, takand the ground & exemple fra the laſt zeir of the regiment of King *Iames* the Fifte

71 The paine of negligent Schireffe Clerkes.

ITEM, it is ſtatute and ordained, that incaſe onie Schireffe Clerk, within this Realme, refuſis at onie time hereafter to receiue and regiſter onie letters of horning preſented to them, be quhatſumever parties to that effect: Or gif the ſame be not dewlie regiſtrat, after he haue written, extracted, and regiſtrat on the back theirof. And in-caſe he ſend not zeirelie to to the Theſaurer or his deputes, ane perfite inventar of the hail horninges regiſtrat ilk zeir in their buikes. Or incaſe onie vther thing beis done be the ſaids Schireffe Clerks, vndewtifullie. That then and in thay particular caſes abone written, the ſame being lauchfullie tryed, ilk Schireffe Clerk, ſall tyne all his mooveables, to be eſcheitted and applyed to his Hienes vſe. And his principall Schireffe, *toties, quoties*, ſall be compelled to paie ane hundred pundes to his Hienes, by the damnage and intereſt of the parties skaith their-throw, and to haue his reliefe of the ſaid Schireffe Clerk, in that behalfe.

72 Of the ſovertie to be founden be officiares of Armes: And of their daylie wage.

ITEM, for the better and mair ſuir ſeruing of the King, be officiares of armes: It is ſtatute and ordained, that nane be reteined, or hereafter admitted to that ſervice; Bot he that with his vtheris injunctiones, ſall finde ſouerty, to be alwaies furniſhed with a ſufficient reddie horſe, quhairvpon to ſerue his Hienes and lieges, and that his ſovertie ſalbe anſwerable for the damnage and intereſt of his falſed, ſlouth and informall doing in his

his Hieneſſe ſervice,or vther parties,gif onie ſal happen. And that the wage of onie Officiar of armes on the day, ſalbe ane marke money, Summer and Winter over-head.

73 *Relieues ſuld be entred in compts: The Schireffe or the partie may be poynded, conforme to the buik of* Reſponde.

ITEM, It is ſtatute and ordaned, that na relieues be componed for in time cumming: Bot the trew and full auaill thereof, to be maid compt and payment of in the Checker. And in-caſe, Schireffes, Stewardes and Baillies, make not their compts, at the ordinar time of Checker (beſide the ordinar execution, to paſſe againſt them therefore) That vpon the ſight of the buik of *Reſponde*, letters be directed, to charge the perſons, to quhome precepts of ſeaſing hes bene granted: Or the Schireffe and his deputes, at the option of the Theſaurer, or baith; To pay the ſummes conteined in the *Reſpondees*, or to poynd the Schireffe, or the partie: gif the partie haue not the Schireffis diſcharge thereof, to ſchaw and produce.

74 *The Schireffes ſuld make compt of all eſcheittes.*

ITEM, It is ſtatute and ordaned, that all Schireffes in time cumming, make compt to the Checker, of quhatſum-euer eſcheittes, vp-taken and intrometted with bee them, within their juriſdiction: And that ilk Schireffe charge him ſelfe ſpeciallie with the ſamin eſcheittes, in ilk Checker zeirlie.

75 *Commiſsione: ſuld paſſe the quarter Seale: The obteiner thereof ſuld finde Caution: They ſuld not be granted vpon ſlauchter.*

ITEM, IT IS Statute and ordained, that all ſpeciall Commiſsioners of juſticiarie, be maid be ſignatoures, to paſſe the quarter ſeale, in time cumming, to the effect, that *Reſpondees* may be maid there-upon, after the auncient and lovable faſhion. And that he quha obteinis ane Commiſſion, finde ſovertie at the Chancellarie, that he ſall within fourtie dayes thereafter, report a teſtimonial of his diligence, vnder the paine of fourty punds; And that alwaies na Commiſſiones be granted, to proceede on ſlauchter: bot the juſtice generall, and his deputes, to proceede there-upon.

76 *The King may perſew all crimes, without the partie.*

ITEM, That the Theſaurer and Advocate, perſew ſlaughters and vtheris crimes, althoucht the parties be ſilent, or wald vther-waies privilie agree. And that in juſtice aires, or particular diettes, the haill Aſſiſoures be called for, and the abſentes amerchiat, to mooue them, to make the better obedience.

77 Na allowance without production of acquittance.

ITEM, that na allowance be given in the Theſaurers comptes in time cumming, *periculo computantis*, bot quhair acquittances ar preſentlie ſchawen and produced.

78 Anent the hearing of the Theſaurers comptes. Particular comptes, and Ratificationes paſſed in Parliament.

OVR SOVERAINE LORD, with adviſe and conſent of the three eſtaites of this preſent Parliament, hes ſtatute and ordained, that the Theſaurer ſal not exceede twentie thouſand pundes in ane zeire in his diſcharge, with certification gif he do, na *Superſedere* will be granted for ſuper-expenſes, in time cumming. It is alſo ſtatute and ordained, that inferiour comptes that ſuld precede the Theſaurers compts & mon enter in it, be firſt heard. And likewiſe it is ſtatute and ordained, be our ſaid Soveraine Lord, with adviſe and conſent foreſaid, that na Ratificationes be paſſed in Parliament, vpon ſimple Articles of privat parties, bot the matter deſired to bee ratified, to be firſt paſſed be infeftment, vpon cõpoſition payed to the Theſaurer, before onie ſik matter be confirmed in Parliament, & the ſamin on na waies to be paſſed or granted, except they be preſented be the ſaid Theſaurer, or his deputes, to that effect.

79 Iuſtice Courtes ſuld not be continued.

ITEM, IT Is Statute and ordaned, be the Kingis Majeſties ſpecial will & direction: That na precept for continuation of onie juſtice Court, be admitted be the juſtice, or his deputes, in time cumming.

80 The Schireffes ſuld giue vp the names of their deputes, and ſuld finde caution.

ITEM, It is ſtatute & ordaned, that al Schireffs within this realme, giue in zeirly, at the firſt down-ſitting of the ſeſſion, to the Lords of Seſſiõ, The names of their deputes and Clerks, that they thinke to vſe for that zeir. And ſik-like, ordanis letters to be directed, chargeing ilk Schireffe, vnder the paine of rebellion, with certification &c. To finde caution, Burgeſſes, indwellers within *Edinburgh*, Acted in the buiks of Councel, that they ſall zeirlie make their Compts in the Checker, and paye all thinges, reſtand auchtand to the Kingis Majeſtie, bevertew of their office.

81 Of the forme how Iuſtice aires ſalbe halden twiſe zeirelie, in the monethes of Aprill *and* October.

BEcauſe of the great delay in actiones Criminall, throw the not halding of Iuſtice aires, twiſe in the zeir, according to the auncient and

lovable ordour, eſtabliſhed be diverſe gude lawes and Actes of Parliament, maid of before: Conſidering the ordinar judgement in criminall cauſes is onelie now at *Edinburgh*, quhair particular diettes ar ſett, for certaine ſpeciall and higheſt crimes, the puniſhment of vther offenſes, quhairby the commoun-weil is greatlie grieued, left to the Iuſtice aires, that very ſendill haldis, and there throw ar becume contemptible. THEREFORE, and for eaſe and reliefe of the ſubjectes, that ar ſa frequentlie inquieted, be cumming in convocation, to dayes of law, and to paſſe vpon Aſſiſes in *Edinburgh*, quhair the Courtes ar oftimes continued, in hinderance of juſtice, & to the great trouble & needeles expenſes of the Kings lieges: It is ſtatute and ordaned, be our Soveraine Lord, with adviſe of his three Eſtaites, conveened in this preſent Parliament: That juſtice aires ſalbe halden twiſe euerie zeir, in time cumming, ouer all the Schires of this Realme, in the Moneth of *Aprill*, and *October*: Beginnand in the Moneth of *October* nixt to cum, gif convenientlie it may be. And be reaſon the mater cannot be ordered, and over-tane at anis, be onie few number, to paſſe ſucceſſiuelie ouer all the haill Realme, from ane Schire to ane vther, that OVR SOVERAINE LORD, ſall cauſe his juſtice generall, make aucht deputes: Or elſe his Hieneſſe ſall make ſa mony, be his awin Commiſſion, vnder the teſtimoniall of the great Seale, of ſum of the Senatoures of the Colledge of Iuſtice, or certaine weill experimented Advocates, that ar maiſt able to travell, appoyntand twa over euerie quarter of the Realme, quhilk conteinis ſeuen Schireffe-domes, or thereby, with ane depute of the Theſaurers, and ane vther of the Iuſtice-Clerkes. And that the Stewardries, & the Baillieries cum to the head Burrowes of the Schireffe-domes, quhairin they lie: Before the cumming of the quhilks Iuſtices deputes, dittaie ſalbe vptaken and the perſons indicted arreiſted, in maner hereafter ſpecified. Quhilks Iuſtices ſa directed, ſall be receiued at their entrie in the Schire, be the Schireffe principall, or his ſufficient depute.

As alſo be the Wardanes, within their Wardanries, & their deputes, being Knights or gentil men landed, with the free halders of the ſame Schireffdome, that ſall be warned be the Schireffe, to that effect, be Proclamation, for conveening at the place and time appoynted: Quhilkis ſall convoye, the ſaidis Iuſtices deputes, to the head Burgh of the Schire, and accompanie them, during their remayning there: And quhill they be out of the boundes of the ſaid Schire, and receiued be the nixt Schireffe, or his depute. And vpon the morning, after the cumming of the ſaids Iuſtice deputes, to euerie head Burgh of the Schire, gif the day be lauchfull: and failzieng thereof, the nixt lauchfull day, they ſall beginne and fenſe their aire, call the ſuites, and put the offenders, gif ony bee alreadie in priſon, to the knawledge of ane Aſſiſe. And as they be found culpable, or Innocent, to miniſter Iuſtice vpon them, conforme to the Lawes of the Realme. Thereafter to call the pledges and Cautioners of perſones, that hes founde ſouertie to vnderlie the Lawe,

the

the thrid daie of the aire, or ſooner, vpon fifteene daies warning. And thridly, the perſones newlie indited and arreiſted, and doe juſtice likewaies vpon them: & that they direct their Precepts for ſummounding of Aſſiſours, ane or maa, ilk perſō vnder the paine of fourtie punds. And hauing ended their juſtice aires: they ſall deliver the extract thereof, ſubſcribed with their handes be indenture, to the Theſaurer, or his depute: Quhilkis ſall cauſe vp-take the ſummes, conteined in the ſaid extract, and make compt of the ſummes conteined therein, at the nixt Checker, before the auditour thereof. In the firſt end of quhilk ſummes, ſalbe allowed to the Theſaurer or his depute, the charges and expenſes of the Iuſtice and Clerkes, as the ſamin ſalbe modified and appoynted be the Lords Auditores of his Hieneſſe Checker, or onie fiue of them. And to the effect that al Executiones and arreiſtmentes requiſite, may be dewlie prepared, before the cumming of the ſaidis Iuſtice deputes:

It is ſtatute and ordaned, that OVR SOVERAINE LORD, with adwiſe of his Chancellar, Theſaurer, Iuſtice-Clerk, ſall nominate and giue Commiſſion to honorable and worthie perſons, being knawen of honeſt fame, and eſteemed na mainteiners of evill, or oppreſſion; And in degree, Erles, Lordes, Barronnes, Knightes, and ſpeciall gentle-men landed, experimented in the lovable lawes and cuſtomes of the Realme, actuall in-dwellers in the ſame Schires, to the number hereafter limited, according to the boundes and quantitie of euerie ſchire: That is to ſay, within the Countries and Schireffe-dome of *Orknay* and *Zetland*, xiiij: Within *Innernes* and *Cromartie*, twentie ane: *Narne*, ſeuen: *Elgin* and *Forres*, ſeuen: *Bamff*, ſeuen: *Aberdene*, twentie ane: *Kincardin*, ſeuen: *Forfare* four-tene: *Fife*, four-tene: *Kinroſſe*, ſeuen: *Clack-mannan*, ſeuen: *Perth*, twentie ane: *Striviling*, ſeuen: *Dunbartane*, ſeuen: *Linlithcow*, ſeuen: *Edinburgh* principall ſeuen: Conſtabularie of *Hadington*, ſeuen: *Ber-wike*, vij. *Roxburgh*, four-tene: *Selkirk*, ſeuen: *Peblis*, ſeuen: *Lanark*, four-tene: *Renfrew*, ſeuen: *Argile*, ſeuen: *Bute*, ſeuen: *Air*, twentie ane: *Wigtoun*, vij: *Dumfreis*, twentie ane. Quhilkis ſalbe the Kingis Commiſſioners and Iuſtices, in the furtherance of Iuſtice, peace and quietneſſe: Togidder with four of the Coūcel of euerie Burgh, within the ſelfe: Quhilks ſalbe conſtant and continual vp-takers of dittay. Giuand, grantand, and committand to them ful power to take inquiſition, and make Dittay be their awin knawledge: Or be an ſworne inqueſt, or ſworne particular man, of all perſones ſuſpected culpable, of the crimes and defaultes conteined in the Table, to be maid be the Theſaurer, Iuſtice-Clerke, and Advocate, annexed to this preſent Act, diuided in twa ſortes. And all perſones delated as culpable in the firſt degree; The ſaidis Iudges and Commiſſioners, ſall ather apprehend and commit to waird (gif conuenientlie they canne) Or els ſall deliuer them in the Portuous, to the Crowner of the Schire, euerie Moneth anis to be arreiſted, and put vnder ſouertie, be him, or his deputes, to the nixt Iuſtice aire, to be halden twiſe in the

zeir, be the Kingis Iuſtices deputes, directed from his Hieneſſe, in maner before ſpecified. And vpon al perſones delated and ſuſpected, as culpable of the vther crimes and defaultes, in the ſecond degree: The ſaidis juſtices & Cõmiſſioners in the Schires, ſall proceede & do juſtice them ſelues, at their courtes & meetinges, to be kept iiij. times eurey zeir: That is to ſay, At the firſt day of *Maij*: At the firſt day of *Auguſt*: At the firſt day of *Novẽber*, & at the firſt day of *Februar*, or vtherwaies, at ony time thereof, then being togidder, and alwaies ſitting in the Tolbuith, of the head burgh of the Schire: And that they remaine at euery ane of the ſaids four times in the zeir, three daies togidder, or langer, or ſhorter, as they finde occaſion: with power to them to direct their precepts & portuous, to the Crowners: and their precepts, to Schireffes or Officiars of armes, to ſummound Aſſiſes, ilk perſon, vnder the paine of ten pundes. As alſwa to ſend their extractes to the Theſaurer, after euerie ane of their four meetinges, to the effect, the paines and vn-law therein conteined, may be taken vp: Quhairof compt, reckning, and payment ſalbe maid, at the nixt Checker, and the charges and expenſes of the ſaidis Iuſtices and Commiſſioners, allowed therein, in ſik quantitie, as ſalbe modified and appoynted, bee the Lordes of his Hieneſſe Checker, betuixt and the firſt day of *November*, nixt-to-cum. And in-caſe of diſobedience or contempt, that they notifie the ſame to the Kingis Majeſties deputes, at the ſaidis Iuſtice airis. And gif they alſwa ſal finde them contemned and diſobeyed ony waies: to ſignifie the ſame to OVR SOVERAINE LORDE, and his ſecreit councell, quha ſall provide for puniſhment of the contempt, be force, to the terrour and exemple of vtheris offendoures, to commit the like in time cumming: And the ſaidis Iuſtices of baith ſortes, for the ſpace of ane zeir, and further, induring OVR SOVERAINE LORDIS will to indure.

82 Hochares or ſlayeres of horſe, Oxen: deſtroyers of pleuch-graith, trees, cornes, or breakers of milnes, ſuld be puniſhed as thieves.

ITEM, his Hienes ratifies the act maid anent the puniſhment of hochares of oxen, horſe and gudes in time of laboring; With this addition: That quhat-ſumever perſone or perſones cuttis and deſtroyes pleuch & pleuchgeire, in time of teeling, or wilfullie deſtroyis & cuttis growand trees & cornes, or ſalbe called theirfore, before the juſtice or his deputes, at iuſtice aires, or particular diettes, & puniſhed therefore to the death, as thieves. And the ſame paine to be extended, and ſtrike on brekers of milnes, or ſtickers, gorares, and fellares of oxen or horſe, in time of leeding of cornes or fewall.

83 Officiars

83 Officiars of armes, convict of falsed, suld be punished to the death.

ITEM, It is statute and ordaned, that Officiares of armes, committand falsed or oppression of the Lieges, in execution of their Office, sall be called therefore, before the Iustice, or his deputes, at justice aires, or particular diettes, & punished to the death, in-case they be found culpable.

84 Deforcers of Officiars, suld be punished at the Kings will.

ITEM, It is statute, that all deforcers of Officiares, in execution of their Office, be summound vpon fifteene daies warning, civillie or criminally, at the option of the party persewer, and their liues and gudes to be in the Kingis will therefore.

85 Letters of Law-borrowes suld nocht be granted aganist complices generallie: Anent caution to be found be the raisers thereof.

ITEM, It is statute and ordaned: That seeing in times by-past, letters of Law-borrowes, being given with this word *(Complices)* be the clerks of Session, hes imported, and daylie dois import great skaith, damnage and heirship, to sindrie of his Hienesse Lieges, be plaine colluſion, betuixt the parties purchasers, and Officiars executors of the same. That therefore na letters of Law-borrowes, be granted in times cumming, be onie Clerke, with power to charge complices: And that caution bee found to the Iustice Clerk, and his deputes, that letters of Law-borrows in times cumming to be granted, salbe dewlie execute, vpon all persons conteined therein, ather personallie, or at their dwelling places, and be open Proclamatiõ at the mercat croces, of the head burgh of the Schire, quhair the parties dwellis, betuixt aucht houres in the morning, and twelue houres at noone, Summer and Winter, in open time of day; In presence of famous witnesses, speciallie designed, and Copies affixed vpon the zettes or doores of the dwelling houses of the persones conteined therein, with the haill names: And an vther on the mercat-croce, vnder the paine of twa hundred markes. And willis and declairis, that this be alswa obserued in all criminall letters, and vtheris quhatsumeuer, that importis tinsel of life, and moveable gudes.

86 The time of fensing of Courtes.

ITEM, It is statute and ordaned, that all Iudges, and amangst the rest, the Iustice deputes, keepe the houre of Cause, in fensing & proceeding in their Courtes, in times cumming, as it was obserued of auld, *Viz.*, At elleuen houres, before noone.

87 Expenſes of the partie accuſed and acquite.

ITEM, It is ſtatute and ordaned, that quhair parties ar maliciouſlie charged, to vnderlie the Law, at particular diettes, before the Iuſtice, and his deputes, in-caſe they be found innocent, and clenged thereof: That their expenſes in time cumming, for keeping of the ſaidis diettes, be modified be the Iuſtice, juſtice-Clerke, and their deputes, beſide the ordinar paine of them that ar ather acquite, or paſt free.

88 Of perſones to be ſummound, to paſſe vpon Aſsiſes.

LIKE-Wayes it is ſtatute and ordaned, that na Officiar, nor Officiares ſummound onie maa perſones vpon aſſiſes, in time cumming, nor fourtie fiue perſones, to be given in rol, ſubſcribed be the partie purchaſer of the ſaidis letters: Or ane Notar in his name. Nor zit put out, nor put in the ſaidis Roll, onie perſones for gratitude or gude deede, vnder the paine to be called therefore, at particular diettes, before the juſtice or his deputes, and puniſhed as commoun oppreſſoures to the death. And that Dittay be tane of all ſik Officiars, as hes vſed, or ſall vſe the ſame, and they to be called and puniſhed therefore, as ſaid is.

89 Falſe Cuſtomers and ſearchers, ſuld be puniſhed.

ITEM, It is ſtatute and ordaned, that all Cuſtomers and Searchers, committand fraude in their Office, be ouer-ſight of the tranſporting of forbidden gudes foorth of the Countrie, for gratitude given to them, ſalbe called therefore at Iuſtice aires, and particular diettes, and puniſhed in their perſones, at OVR SOVERAINE LORDIS will, And al their moveable gudes, to be eſcheitted to his Hieneſſe vſe, in-caſe of their conviction.

90 The haill Proces and probation, ſalbe vſed before the aſſiſe, in preſence of the partie accuſed, and his Procuratoures.

OVR SOVERAINE LORD, Conſidering the wranges alleged ſuſteined be diverſe Noble-men, and vtheris Lieges of this Realme, being accuſed of treaſon, be ſolliſting, boaſting, & minacing of the aſſiſe, after they were incloſed: The accuſeres and vtheris perſones their fauorers, hauing libertie to paſſe to the ſaid Aſſiſe and to produce to them ſik writtes and witneſſes, and vther probation, as they pleaſed, to verifie the crime, outwith the preſence of the parties accuſed: Quhairby the juſt defenſe of their liues, landes and honours, was taken awaie. THEREFORE our ſaid SOVERAINE LORD, with adviſe and conſent of the three Eſtaites of this preſent Parliament, hes ſtatute, declared, and ordaned, that in all times cumming, the haill accuſation, reaſoning, writtes, witneſſes, and vther probation and inſtruction quhatſum-euer of the crime ſalbe alledged, reaſoned and deduced, to the Aſſiſe, in preſence of the partie accuſed, in face of judgement, and na vther

waies

waies. And that all and quhatſum-euer Lieges of this Realme, accuſed of treaſon, or for quhatſum-euer crime, ſall haue their Advocates and Procuratoures, to vſe all the lauchfull defenſes, quhom the Iudge ſall compell to procure for them; In-caſe of their refuſe, that the ſute of the accuſer be not tane *pro confeſſo*. And the partie accuſed, prejudged in ony ſorte, before he be convicted, be lauchfull tryall. And to the effect, the ſaidis Advocates and Procuratoures, may the mair freelie and willingly do their Office, in the Premiſſes: our ſaid SOVERAINE LORD, with adviſe and conſent foreſaid, annullis, caſſis and reſcindis, all and quhatſum-euer Actes of Parliament, and vtheris ſtatutes maid be him, or onie of his Predeceſſoures of before, in contrair hereof.

91 *Of Aſſiſoures doubtand, and incluſing thereof.*

ITEM, It is ſtatute and ordaned, that how-ſoone the haill perſute, defenſes and anſwers thereto, ar fullie heard be the Aſſiſe, gif onie of the ſaids aſſiſoures hes ony doubt, quhairof they wald be reſolued: That they propone the ſame openlie, in preſence of the parties, in face of the judgement, before they paſſe out of judgement them ſelues. And immediatlie after that the ſaid aſſiſe hes choſen their Chãcellar, the Clerk of the Iuſticiarie, ſal incloſe the ſaid aſſiſe them allane, or in an houſe be them ſelues & ſuffer na perſõ to be preſent with them, or repaire to thẽ in ony waies, nather Clerke nor vtheris, vnder pretenſe of furder information, reſolving of onie doubt, or onie vther cullour or occaſion quhatſum-euer. Bot that the ſaid houſe be halden faſt, and na man preſent therein, bot the ſaidis Aſſiſours, and that they be not ſuffered to cum out of the ſaid houſe, for quhatſum-euer cauſe, or to continue the giuing of their ſentence to ane vther time: bot that they be incloſed, as ſaid is, vnto the time they be fullie agreed, & returne their anſwere, be the mouth of the ſaid Chancellar, to the judge. And our Soveraine Lord, with adviſe foreſaid, decernis, declaris & ordanis, that gif ony of the ſaids accuſers, informers of his hienes Advocate, or vthers perſones quhatſumeuer, pretend in onie waies in time cũming, to informe, ſolliſt, reaſon, diſpute, ſpeak or repaire to the ſaid Aſſiſe, after their remooving foorth of judgement, and incloſing of them, in maner abone-written: Or vther-waies tranſgreſſe onie poynt of this preſent act: In that caſe, the partie accuſed, ſalbe halden and pronunced cleane, and innocent of the crimes and treaſons then layed to his charge. And this preſent acte, ſalbe ane ſufficient warrand to all Aſſiſours in criminall cauſes hereafter, to pronunce the partie accuſed, cleane and innocent, in-caſe onie of the premiſſes beis contraveened.

92 *Anent the quieting of diſordered ſubiectes, inhabitants of the* Bordours, Hie-landes, *and* Iles.

OVr Soueraine Lord, and his three Eſtaites conveened in this preſent Parliament, conſidering the wicked inclination of the diſordered

ſubjects, inhabitants, on ſum partes of the bordoures fore-anent *England*, and in the *Hie-landes* and *Iles*, deliting in all miſchieues, and maiſt vnnaturallie and cruellie waiſtand, herriand, ſlayand, and deſtroyand their awen nichtboures, and natiue Countrie people, takand occaſion of the leaſt trouble that may occurre in the inner partes of the Realme, quhen they think that care and thocht of the repreſſing of their inſolence, is ony waies forzet: to renew their maiſt barbarous cruelties, and godleſſe oppreſſiones. FOR remeid quhairof, attour and beſide the lovables lawes and conſtitutions alreadie maid, in this behalfe: Quhilk OVR SOVERAINE LORD, with adviſe of his three Eſtaites, ratifies and appreuis be thir preſentis: It is ſtatute and ordaned, that the firſt day of euerie Moneth in the zeir, gif it be lauchfull, and failzieng thereof, the nixt lauchfull daie, immediatlie following, ſalbe a ſpeciall and peremptor for his privie Councell, to conveene and ſit, baith in the fore-noone, and after-noone: For receiving, hearing, anſwering, and directing of all complaintes, cauſes and maters, concerning the miſ-rule of the diſordered and trouble-ſum ſubjectes, inhabitants of the *Hie-landes*, and Bordours, & attemptates committed be them, vpon the gude and peaceable ſubjectes in the In-countrie, without prejudice of vther, and maa dietts to be appoynted for the ſame effect, gif the occaſion ſwa require: And ſpeciallie that vpon the ſaid firſt day of euerie Moneth, or vther nixt lauchfull day, tryall and inquiſition to be taken of the diligence done, in the execution of thinges directed the Moneth preceeding, and of the thing neceſſar and expedient to be put in execution, during the nixt Moneth to cum thereafter: and that a particular regiſter be keeped be the ſelfe, of all thinges that ſall happen to be done, and directed in maters concerning the quietneſſe and gude rule of the Bordoures, and *Hie-landes*.

93 *Caution ſuld be found be Lands-lords, and vtheris.*

THAT Al Lands-lordes and Baillies of the landes, on the Bordours, and in the *Hie-landes*, quhair broken men hes dwelt, or preſentlie dwellis, conteined in ane Roll, ratified in the end of this preſent Parliament, ſalbe charged to finde ſufficient Caution and ſouertie, Landed-men in the In-countrie, to the contentment of our SOVERAINE LORD, and his privie Councell: Betuixt and the firſt day of *October*, nixt-to-cum: Or within fifteene dayes after the charge, vpon conditions following, vnder the paine of rebellion: And gif they failzie, the ſaid day being by-paſt, to put them to the Horne: That is to ſay, gif onie of their men, tennantes, ſervandes, & indwellers vpon their lands, rowmes, ſteadinges & poſſeſſiones, or within their Baillieries, committis ony maiſterfull reife, thieft, or receipt of thieft, depredationes, open and avowed fire-raiſing, vpon deadly feedes, protected and mainteined be their Maiſters: That the Landis-lordes, and Baillies, vpon quhais Landes, and in

quhais

quhais jurisdiction they dwell, sall bring and present the persones compleined vpon, before OVR SOVERAINE LORDIS Iustice, or his deputes, to abide tryall, and vnderly the Law for the same, vpon fiftene daies warning, to be baid be them lauchfully: And failezing ther of, that the saidis Landis-lordis and Baillies, be debt-bound, to satisfie the partie skaithed, and to refound, contant, and pay to them their heirschippes and skaithes, of their awin proper gudes and lands, according to the availl and quantitie tane fra the compleiners, quhilk salbe modified be aith of the partie hurt, ather before the Lordes of Councell and Session, or the Iustice, or his deputes, quhair upon execution sall passe, baith against the principalles and souerties, in forme as effeiris. Providing alwaies, that the Landes-lordis, quha hes their landes lyand in far *Hie-lands* or *Bordours*, they making residence themselues in the *In-lands*, and their tennentes and inhabitantes of their landes, being of Clannes, or dependars on chieftaines, and captaines of the Clannes, quhom the landis-lords ar na-waies able to command, but only gettes their mailles of them, & na vther seruice nor obedience, sall nawaies be subject to this act, bot in maner following, *viz*; They salbe halden to direct their Precepts of warning, obteine decreetes against their tennentes, & denunce them to the horne. And immediatlie after their denunciation, that the saidis landes-lordes, raise letters, be deliverance of the secreit councel, & charge the chieftaines & captaines of the clannes, on quhom their tennents dependis and obeyis, to take and apprehend the disobedient tennents, & present them to the justice, vnder the paine of rebelliō: & incase the chieftaines disobey, to cause denunce them to the horne, registet the same, & report the letters of horning, dewlie execute, indorsat & registrat to the secret coūcel, within the space of 40. daies thereafter: quhairin, gif the saids landes-lordes failzies, they salbe subject to the former cōdition of this act: as alswa, incase the saidis lands-lordes, at ony time hereafter, rental or sett tackes to ony of the saids disobedient *Hie-land-men*, or *Bordour-men*, in ony their lands, & omitts to take sufficiēt caution for thē, that they salbe answerable & obedient to our Soveraine Lords lawes, and specially that they sall obey and obtemper the haill cōtents & effect of this present act: and that the lands-lordes and baillies, concur, fortifie and assist vthers, in remouing of al persons disobedient to the lawes, or fugitiue therefra, out of their landes & possessions. And incase ony refuse to cōcur to the effect foresaid, being dewly & lauchfully required. In that case it salbe lesum to persew the person refusand, & his cautioner, for redres of the skaith, susteined be the partie hurt, and the lands-lords & baillies of the dissobediēt person, to haue the reliefe of the persons refusand. And in-case ony person, landes-lord or bailly, receiue or receipt ony person fugitiue, after the committing of the crime, vpon their lands, or stayis or arreistis them nocht, quhen ever they passe throw their boundes, with onie trew mennes gudes, reft or stollen, gif the same commis ony waies to their knawledge, or that it beis tryed that they micht haue staied

or

or with-ſtand the ſaidis rieſes and oppreſſiones, Quhilk knawledge and power of the ouer-lordes, ſalbe tryed be ane Aſſiſe: The Maiſters, landeſlords or baillies, receipters of the offenders, or not ſtayand & arreiſtand them, paſſand throw their boundes, as ſaidis, ſalbe halden to bring and preſent the perſones offendoures, to the lawes, in maner foreſaid: Or els to pay and redres the parties ſkaithed, in maner abone written. And quhair the awners of the reſtand ſtollen gudes, followes not, the ſtayers and arreiſters of the perſones and gudes, paſſand throw their landes, ſalbe halden to make certification, be publication at the mercat-croce of the head burgh of the ſchire; That the partie hauing intereſt, being thereby advertiſed, may challenge their awin gudes in ſex dayes ſpace, vther-waies, the ſtayers and arreiſters of the gudes, ſall not bee anſwerable therefore.

ITEM, Altought ſum of the Lordes of the ground, never vſis to make reſidence in the partes, throw the quhilkis thieues reſorts, in their paſſing to ſteall and rieue, and returne therefra: zit ſal they be bounden be their Baillies and tennentes, to make their arreiſtments, & ſtay & make publication of the ſame: gif it be in their power, or cummis to their knawledge: or vther-waies, to be halden & obliſhed for redres, as gif they dwelt vpon the landes them ſelues. And that the chiefe of the Clanne in the boundes, quhair broken men dwellis, throw the quhilkis limmeres and broken men, repairis in their paſſing to ſteall and rieue, or returning therefra, ſall be bound to make the like ſtay, arreiſtment, and publication, as the landes-lordes, or Baillies, and be ſubject to the like redres and action criminall and civill, in-caſe of their failzie or negligence. And becauſe ſindrie immediat tēnents, to OVR SOVERAINE LORD, hes diſponed their landes to vtheris, halden of them ſelues; In that caſe, it ſalbe ſufficient for the Ouer-lord, to enter and preſent his tennent and vaſſall, for anſwering for his ſub-tennent: And the landes-lord, to haue his reliefe vpon his tennents there-anent, as accordis.

96 The chiefe of all Clannes, ſall finde pleges.

ATtour and beſide of the foreſaid ordour, deuiſed againſt the landslordes and baillies, on quhais landes, and in quhais juriſdictiones the thieues, ſornares, and broken men dwellis and remainis: It is alſwa ſtatute and ordaned, that the Captaines, chieffes, and chieftaines of all Clannes, alſweill on the *Hie-land*, as on the *Bordoures*, and the principalls of the branches of the ſaidis Clannes, to be ſpeciallie noted in ane Roll, ratified and inſert in this preſent Parliament: Quhilkis Clannes, dwellis vpon the landes of diuerſe landes-lordes, and dependis vpon the directiones of the ſaidis Captaines, chiefes, and chieftaines (be pretence of bloud, or place of their dwelling) Althought againſt the wil oft-times of the Lord of the ground, be charged in maner, and vnder the paine abone written; to enter ſik perſones pleges, as ſalbe nominate be the Kingis

Majeſties

Majeſties letters to be direct to them, vpon xv. daies warning, before his Hienes and his ſecreet Councel, at the dayes to be appoynted, to be placed, as his Hienes ſal think convenient, for keeping of gude rule in time cumming, according to the conditiones abone written, quhair-vnto the landeſ-Lordes, and Baillies, are ſubject; vnder the paine of execution of the ſaids pleges to the death, in-caſe of tranſgreſſion, and nocht redreſſe maide be the perſones offendares, for quhom the ſaidis pleges lyes. And that the ſaides pleges ſalbe relieved quarterlie, with vthers of the ſame clan or brāche, to be ſpecially named, alſoone as may be, after the beginning of this ordour. And that the ſaids pleges ſalbe keeped in the Kinges ſtrait-ward, vpon their awen expenſes, ay & quhil the principalles of the clanne or branches, find ſufficient & reſponſal ſouertie, acted in the buiks of ſecreete Councel; that the pleges entred, ſal keepe trew warde, ay & quhill they be freed, and relieved ordourlie. And zit the perſones with quhome they ſall happen to be placed to remaine; ſall on na waies giue their licence or libertie to the ſaides pleges, to departe or paſſe hame, vnder the paine of 2000. punds, to be payed be everie Noble-man, Barron or Gentleman, that grant ony ſik licence. Quhilk caution being anis fun den, the ſaides pleges ſalbe placed to remaine with Noble-men and Barrones in free ward vncharged, with the buirding of their awin expenſes, And al clannes, chieftaines, & branches of clanns, refuſand to enter their pleges at the day, and in maner conteined in the charge, to be directed to that effect; to be eſteemed publick enemies to God, the King, and all his trew and faithfull ſubjectes, and to be perſewed with fire and ſword, quhair euer they be apprehended, without crime, paine or danger, to be incurred be the doers there-throw. And that compt be tane, anis in the zeir, at the firſt day of *November*, quhat perſones pleged for, ar dead, and quhat zoung men ſprung vp in their race and Clanne, able to offend. And quhair complaint is maid vpon ony perſon pleged, for the principal of the Clanne or branch, to be charged, to preſent the offenders, before the King or his Councell, or before the juſtice & his deputes, to vnderlie the law for the ſame. And incaſe of failzie of the preſenting of the perſon or perſones, compleined vpon, the plege lyand for the ſaid perſon, to be execute be juſtice, & the principal clan or branch to be preaſed to enter new plege, & to be ſtil debtor to the party grived, for his skaith ſuſtened.

95 *All men borne in the* Hie-landes *and* Bordours, *returne to the place quhair they were borne.*

ITEM, That all ſik notorious thieues, as wer borne in *Liddiſ-daill*, *Eskdaill*, *Euſ-daill*, *Annan-daill*, and the landes, ſum-time called *Debaitable*, or in the lands of the *Hie-lands*, that hes lang continued inobedient, ſalbe remooved out of the *In-land*, quhair they ar planted, & preſentlie dwellis or hants, to the parts quhair they were borne: Except their landlordes, quhair they preſently dwel, wil become ſouerty for them, to mak them anſwerable to the law, as the *Law-land* & obedient men, vnder the paines conteined in the acts of Parliament.

96 *The*

96 Anent the regiſter of pleges, and vtheris.

ITEM, It is ſtatute and ordaned, for furtherance of the quieting of the inobedient *Bordours* and *Hie-landes*: That a buik be maid conteining the names of the pleges, entred, and to be entred for gude rule, and of the haill perſones, for quhom they lye, and be quhom the pleges ſuld be relieved: As alſwa that a regiſter be maid of the haill Parochiners of the landes, inhabite be thieues and diſobedient perſones, in the *Hie-landes*, and *Bordours*: The names of the Landis-lordes, and tounes in euerie Parochin, and of the haill men, inhabitantes thereof, paſt the age of ſex-tene zeires: Quha ar Landis-lordes, or Baillies of euerie land or toun: Or of quhat Clanne, branch, the ſaidis inhabitantes ar. And that the name of onie perſon that hes entred on the broken landes, after the remooving of onie vther inobedient perſon therefra, be ſend to the keeper of the ſaid regiſter, within twelue dayes, nixt after his firſt entrie.

97 Vagaboundes ſalbe charged to finde pleges, and their receipters ſall ſatiſfie the partie.

BEcauſe, after all diligence done, alſweill againſt the Landis-lordes and Baillies, as againſt the chieftaines and principalles of Clannes, there will be a number of vagaboundes vn-pleged, or anſwered for be their Landis-lordes or Baillies: It is ſtatute and ordaned, that letters ſalbe directed: Chargeing all ſik vagaboundes, and vn-anſwerable men, be open Proclamation, at the mercat-croce of the head burgh of the Schire, quhair they haunt, or head Burrowes of the twa nixt Schires in the *Lawland*, *(vbi non patet tutus acceſſus)* To finde ſouertie to vnderlie the Law, the thrid daye of the nixt juſtice aire, or ſooner, vpon fiftene dayes warning, vnder the paines conteined in the Acts of Parliament. And in-caſe they finde not ſouertie within ſex dayes, and enters not them-ſelues, vnder pleging, to be denunced rebelles and fugitiues, and they and their receipters, to be perſewed thereafter, quhil they be apprehended & puniſhed for their demerites: And that the parties skaithed, haue competent action, civill or criminal, againſt the Magiſtrates or vthers, within quhais boundes, juriſdiction or power, ſik vagaboundes and fugitiues, ar wittinglie receipt, with the gudes ſtollen or reft, in their paſſing, remaining or returning.

98 Bandes giuen be the cautioners, obliſhis their aires.

ITEM, It is declared, ſtatute and ordaned, That all bandes, actes, and obligationes, maid or to be maid, be quhatſum-euer perſons, for quhatſum-euer broken men, pleges, or vtherwaies receiued for the gude rule, quietneſſe of the *Bordoures* and *Hie-landes*, or onie thing depending there upon

vpon, ſalbe extended againſt the aires and ſucceſſoures, of their ſouerties and cautioners: Although ſpecial mention be not maid in the Acts, that they obliſhed themſelues, their aires and ſucceſſoures.

99 Diuers ſureties being maid ſalbe vailzeable, and the ane ſtoppis not the vther.

ITEM, It is declared, ſtatute and ordaned, that the ſuretie maid be the Landiſ-lordes and Baillies, ſall not be prejudiciall nor ſtop the ſuretie maid be the chieftaines and principalles of Clannes: Nor be the contrair, the ſuretie maid be them to the Landiſ-lords and Baillies.

100 The maner how gudes taken away, may be repeated.

ITEM, It is ſtatute and ordaned, that quhenſo-euer ony heirſchippes, oppreſſiones, riefes, ſorninges and thieftes, ſall happen to be committed within ony part of this Realme, in the *Hie-landes* or *Bordoures* theirof, be onie Captaine of Clanne, or be ony vther Clanned man, againſt onie of ØVR SOVERAINE LORDIS Leill and trew ſubjectes in time cumming: And the gudes ſwa tane vp, tranſported to onie vther Clanned mannis boundes, receiued and mainteined therein, or diſponed vpon: and the ſame cum to the knawledge of the partie harmed and damnified, Ordanis him firſt to require, or cauſe require redreſſe thereof, at the chiefe of the Clanne, or chieftaine of the Cuntrie, quhairin the ſaidis gudes ſalbe receiued or remaine, for the ſpace of twelue houres, of his witting, to make redreſſe and reſtitution of the ſame gudes, within fiftene daies after he be required thereto: Quhairin gif he failzie, it ſalbe leſum to the partie harmed, to call, conveene, and perſew the chiefe captaine, ſuperiour and principalles of that Clanne, within quhais boundes the gudes and geare ſwa tane, ſalbe receiued and ſparpalled, and vnder their protectiõ manteined before the judge ordinar, criminally or civilly and vpon ſufficient proofe, to be led be the partie harmed, that the gudes were ſauld or diſponed vpon, within ſik boundes, be the witting and knawledge of the ſaid chieftaine or ſuperiour, and principalles of the Clanne, they being of power to haue reſiſted the ſame: They to be anſwerable for the ſame gudes, and decreete to be giuen againſt them, with the profites thereof: Siklike, and in the ſame maner, as micht or ſuld haue bene giuen againſt the perſones committers of the deede themſelues: and executorialles to paſſe thereupon, in forme as effeiris. And als, gif it ſall happen the partie harmed, be the perſones committers of ſik enormities, to follow and perſew his awin gudes and gear tane, as ſaid is, for the recouerie of the ſame: and in the reliefe of his awin gudes and geare, to ſlay, hurt or mutilat, onie of the takers thereof. It is hereby expreſſelie declared, ſtatute and ordaned, that the ſaid partie harmed, or his aſſiſtares, and complices, ſall neuer be accuſable of ony ſik ſlauchter,

mutilation, or vther hurt: Bot als freelie remitted and diſcharged in that behalfe, as gif he had our SOVERAINE LORDIS ſpecial Commiſſion to that effect. And als ordanis and declaris, that quhatſum-euer perſones ſal happen hereafter, to beare fede for ony ſik ſlauchter, hurt, or mutilation, ſalbe ſubject to the paines and action abone written: And it ſalbe lauchfull to the partie harmed, to call and conveene them criminallie or civilie, at his option, for the ſaidis riefes and oppreſſiones, in maner before ſpecified.

101 Mainteiners and receipters of thieues, ſalbe anſwerable for their doings.

ITEM, Quha bringis onie *Scottes* or *Engliſh* thiefe in his companie openlie or privatelie, to the Kingis Majeſties Court, or Burgh of *Edinburgh*, or requeiſtis for him, to hald him back fra the dew puniſhment appoynted be the Law, without licence of the King, his Lieu-tennent or Wardane: Salbe ſubject to the action Criminall or civill, of him quhom vnto the ſaid thiefe hes offended be thieft, or riefe: Or be compelled for the ſame to redreſſe, as principall thiefe or revar. And quhatſum-euer *Engliſh* thieues, ſall cum in onie part of *Scotland*, without licence of the King, his Lieu-tennent or Wardan, ſalbe taken and vſed as lauchful priſoners: And quhaſa-euer wald avow ſik thieues to be their priſoners, or brocht in be them vpon licences ſall nocht keepe them in companie in the Kingis Court or Palice, or in the hie ſtreit, quhair his Hieneſſe, or his Iuſtice ſittis, and remainis, bearand weapons: bot hald them in cloſe, houſe, fra their cumming, to their departing: vnder the paine to be repute as fauourers, foſterers, and mainteiners of thieues and thieft, and to be puniſhed therefore, conforme to the lawes of the Realme.

102 Dittay ſuld be taken vp anent blak-maill.

ITEM, It is ſtatute and ordaned, that the Iuſtice Clerk, and his deputes, and the Kingis Commiſſioners, conſtitute to further Iuſtice, quietneſſe and gude rule in all Schires, ſall diligentlie inquire and take vp Dittaie, of the vp-takers and payers of black-maill, and to make rentalles of the quantitie thereof: And to perſew alſweill the takers, as payers thereof, at juſtice aires, or particular diettes, and do Iuſtice vpon them, according to the Lawes, and receiue ſouertie, vnder great paines, that they ſal abſteine in time cumming.

103 Landiſ-lordes and vtheris, ſuld preſent zeirlie treſpaſſours, to the Iuſtice.

ITEM, It is Statute and ordaned, that the Iuſtice-Clerk, ſall twiſe in the zeir, *Viz*, At the firſt Daie of *Marche* and *September*, procure

cure the Kingis Majeſties cloſe Valentines, to be ſent to the Maiſters Landis-lords, Baillies and chieftaines of al notable limmers and thieues, chargeing to preſent them, outher before his Majeſties ſelf, or before the Iuſtice, and his deputes, at the day and place to be appoynted, to vnderly the lawes, conforme to the lawes and generall bande, and vnder the paines conteined in the ſame, and to try quhat obedience, beis ſchawin be the perſones, quhom vnto the ſaidis Valentines, ſalbe directed: And in-caſe of their contempt, be vndewtifull anſwere, to put themſelues to the knawledge of an Aſſiſe, and miniſter juſtice vpon them, conforme to the Lawes and generall bande.

104 *It is not leſum to ane* Scottes-bordourer, *to marie with ane other in* England.

ITEM, Sen experience declaris, that the mariage of the Kingis Majeſties ſubjectes, vpon the dauchters of the broken men and thieues of *England*, is not only an hinderance to his Majeſties ſeruice & obedience: Bot alſwa to the common peace & quietnes, betuixt baith the Realmes: It is therefore ſtatute and ordaned, be our Soveraine Lorde, and three Eſtaites of this Parliament: That nane of his ſubjectes preſume to take vpon hand to marrie with onie *Engliſh-woman*, dwelling in the oppoſite Marches, without his Hienes expreſſe licence, had and obteined to that effect, vnder the great Seale: vnder the paine of death, & confiſcation of all his gudes moveable: And that this be a ſpecial point of dittay in time cumming.

105 *The Wardane ſuld put in Bill the names of all* Engliſh-men, *quha occupies poſſeſſiones in* Scotland.

ITEM, It is ſtatute and ordaned, that the Wardanes of the Marches, fore-anent *England*, take diligent inquiſition, quhat *Engliſh-men* occupies ony *Scottis* ground, in paſtourage or tillage: & they bill the perſons offenders in that behalfe, againſt the treaties, and ſeeke redreſſe, according thereto, as they wil anſwere vpon their allegeance, at their hiegheſt charge and perrell, and vnder the paine of incurring of his Hieneſſe indignation and diſpleaſour.

106 *The pleges of the* Bordours, *ſuld be placed in the North-ſide of* Forth, *and the* Hie-land *pleges, on the South ſide thereof.*

ITEM, It is thocht expedient, ſtatute and ordaned; That all pleges receiued for the gude rule and quietneſſe of the *Bordours*, ſalbe placed on the North ſide of the water of *Forth*, without exception or diſpenſation, and the pleges for the gude rule of the *Hie-lands* and *Iles*, to be placed on the South ſide of the ſame water of *Forth*: And that the Iuſtice-Clerke, and his deputes, to quhom the care of this ordour is committed, take ſpe-

cial regaird to the dew execution hereof, as they and euerie ane of them will answere vpon the execution of their office.

107 Anent the relieſe of the Landis-lord or Baillie.

ITEM, For relieſe of the landis-lord or baillie, that ſall happen to be charged for entrie of his tennentes or perſones, dwelland vnder his juriſdiction, to vnderly the law, or to make redreſſe, that he vſe warning, and ſeeke the ordour of remooving, againſt his tennentes and occupiers of the ground, and make them the Kingis rebelles, within the ſpace of fourtie dayes, after the nixt terme, vn-receiving mailles or dewties fra them, in the meane time. Quhairin his diligence being tryed & fundin gude and ſufficient, be the Kingis Majeſtie, and his priuie Councell, Or be his Iuſtice and his deputes: And that he performe all thinges that he culd, or that was in his power to do, after the fact com to his knawledge: In that caſe, he ſalbe relieued of the paine and danger of the law.

108 Malefactoures fugitiue, hes na action contrair the executours of the law againſt them.

ITEM, In-caſe onie Landes-lorde, Baillie or chieftaine of Clanne, ſal happen to be burdened, with the taking and preſenting of ony malefactour, and that the ſame malefactour is fugitiue fra the law, and refuſis to relieue his landis-lord, Baillie, or chieftaine: And that there-throw, according to the lawes and generall band, they ſall bee conſtrained to burne the ſaid diſobedient perſons houſe, and to hald them, their wiues and bairnes off the ground: It is ſtatute and ordaned in that caſe, that the ſaidis diſobedient perſones, their aires, wiues, bairnes, nor na vtheris pretending richt fra them, or be their deede or occaſion, ſall haue onie action criminall or civill, for the ſaide remooving, burning and ejection, bot ſalbe ſimplie aſſoilzied therefra, & all that may follow therevpon, quhen-euer or quhere-euer the ſame ſalbe perſewed.

109 The ſellers of gudes perteining to malefactoures, ſuld be puniſhed.

ITEM, That ſik mediat perſones, as takis vpon them to be ſellers of the gudes of thieues or inobedient perſones, and Clannes, that dare not cum to publick mercates in *Law-land* them ſelfes, quhairby the execution of the acts maid anent thieues and Sornares of Clannes, is greatly impeded and defrauded, ſall for that deede, being tryed culpable their of, incurre the paine of baniſhment, and confiſcation of all their gudes movable: The ane halfe to our Soveraine Lords vſe, and the vther halfe to the partie apprehended and ſuiter.

110 The

110 Kirk-men ſuld not warrand, but fra their awen deede.

ITEM, It is ſtatute and ordaned, be OVR SOVERAINE LORDE, and three Eſtaites of Parliament: That quhair there is diverſe of the Biſhoppes, Abbotes, Prelates of this Realme, that hes ſett their livinges, for certeine ſummes of money, to be payed to them for their life-rentes: As alſwa hes diſponed diverſe and ſindrie penſiones, foorth of the twa part of their benefices; partlie to their Conventes, and partlie to vtheris: And for the reddier and mair ſure payment, hes aſſigned the ſame to be tane vp, of the readieſt of the ſaidis Biſhoppes, Abbotes and Prelates few landes, quhilkis being now aſſigned and annexed, to the croun; the ſaidis poſſeſſours, will be put theretra, and the ſaidis Prelates called for their warrand, quhilk will be ſa great action, and import ſik skaith vnto them, that they will neuer be able to ſuſteine na honeſt ranck. THEREFORE OVR SOVERAINE LORDE, having conſideration, that the ſaidis temporall Landes, is taken fra the ſaidis Prelates, be act of Parliament, and Law of our Realme, and diſſolved fra their benefices, ſwa that na fraudfull deede, can be alledged, in the perſon of the ſaidis Prelates: His Majeſtie, with adviſe of his three Eſtaites, hes ordaned, that the ſaidis Prelates, quhais landes ar aſſigned and annexed to the Croun, and diſſolved fra their ſaids benefices: They ſalbe na-waies halden to warrand, tack, penſion, aſſignation, or vther diſpoſition quhat-ſum-euer, maid of the Temporall landes of the ſaidis benefices, fermes or profites thereof, vnto the poſſeſſoures, nor na vtheris: Bot ſalbe free fra all warrandice in time cumming, Nothwithſtanding ony contract, penſion, or aſſignation thereof, maid in times by-paſt. Providing alwaies, that quhair the ſaidis Biſhoppes, Abbotes and Prelates, be their awin deede, hes maid double richtes, ather tackes, penſiones, aſſignationes, or vther diſpoſitiones of onie thing, diſponed furth of the ſaid Temporall landes, fermes or profites thereof, to twa or maa ſeverall perſones, poſſeſſoures of the ſaidis Temporall Landes, or vtheris quhatſum-euer: They ſalbe halden to warrand the ſaidis double richtes, maid to them, for their awin deede and diſpoſition allanerly. And ordanis the Lordes of Seſſion and Councel, to judge according to this Act, as ane of the Lawes of our Realme.

111 The taxation of the Burrowes ſuld not be altered.

OVR SOVERAINE LORD, And three Eſtaites of Parliament, vnderſtanding that be the late annexation of Kirk-landes to the Croun, the taxt of the Clergie mon be altered, and ane great parte thereof, layde vpon the ſaidis Temporal annexed landes. And becauſe the free Burrowes of this Realme, abidis in the ſame eſtaite, quhairin they were of before: Therefore our ſaid SOVERAINE LORD,

now after his perfite age of twentie ane zeires compleit, with adviſe and conſent of the three Eſtaites of this preſent Parliament, ſtatutis and ordanis, that the taxation of free Burrowes, ſall na-waies be allowed, but ſall ſtand as the ſame ſtude, in all times preceeding: That is to ſay, their part of all generall taxationes in time cumming, ſall extend to the ſext part thereof allanerlie.

112 Na Burgh may ſell their freedome, without conſent of the Parliament.

FORSAMEIKLE As it is not lauchfull to onie of the Kingis vaſſalles, to ſell and annalie their lands, in prejudice of his Majeſtie, their ſuperiour: Euen ſa it is found expedient, ſtatute and ordaned, be OVR SOVERAINE LORDE, and three eſtaites in this preſent Parliament: That it ſall not be lauchfull to onie of his Hieneſſe free Burrowes, to ſell or annalie, their freedome and priviledge, in haill or in part, to onie vther Burgh, or vtherwaies quhatſum-euer, without expres licence and conſent of his Hieneſſe, and three Eſtaites in Parliament, vnder the paine of amiſſion and tinſell of the free-dome of the Burgh: Outherby-and or ſelland the ſaidis freedomes, in haill or in part, as ſaid is.

113 The Commiſsioners of ſmall Barrones, and Free-halders, hes voite in Parliament.

OVR SOVERAINE LORDE, Conſidering the acte of his Hieneſſe Parliament, halden at *Linlithcow*, the tent day of *December*, the zeir of God, ane thouſand, fiue hundreth, four ſcore fiue zeirs: Mak-and mention, how neceſſar it is to his Hieneſſe, and his Eſtaites, to bee trewlie informed of the needes and cauſes perteining to his loving ſubjectes in all eſtaites, ſpeciallie the Commounes of the Realme. And remembring of ane gude and lovable acte, maid be his Hieneſſe Progenitour, King IAMES the Firſt, of worthie memorie, in the Parliament halden at *Perth*, the firſt day of *March*, the zeir of God, ane thouſand, four hundreth, twentie ſeuen zeires, anent the commiſſioners of ſmall Barrones in Parliament: That his Majeſtie, and his ſaidis Eſtaites, wald ratifie and appreeue the ſame to haue full effect, & to be put to execution in time cumming: and of new, ſtatute & ordaned, for the mair ful explanation of the ſame act, and certaine execution thereof; that precepts ſuld be directed foorth of the Chancellarie, to ane Barron of ilk Schire firſt: To conveene the free-halders within the ſame Schire, for chuſing of the Commiſſioners, as is conteined in the ſame acte: Quhilkis Commiſſioners, being anis chooſen, and ſend to Parliament, the Precepts of Parliament, for conveening of free halders, to the effect foreſaid, to be directed to the laſt Commiſsioners of ilk Schire, quhilkis ſal cauſe cheiſe twa wiſe men, being the Kingis free-halders, reſident indwellers of the Schire, of gude

gude rent, and weil eſteemed, as Commiſſioners of the ſame Schire, to haue power and to be authorized, as the act proportis, vnder the Commiſſioners Seale, in place of the Schireffes: And that all free-halders of the King, vnder the degree of Prelates and Lords of Parliament, be warned be Proclamation, to be preſent at the chooſing of the ſaidis Commiſſoners: and nane to haue voit in their election, bot ſik as hes fourtie ſhilling land in free tennendrie, halden of the King, and hes their actual dwelling and reſidence within the ſame Schire. Quhilk mater, being remitted be the ſaidis Eſtaites, conveened in the ſaid Parliament at *Linlithcow*, to the weill and good conſideration of our ſaid Soueraine Lord, to doe and ordane therein, as his Hieneſſe ſuld think maiſt expedient and requiſite, betuixt and his nixt Parliament: And now his Majeſtie intending, God willing, to take ordour for the finall ſetting and eſtabliſhing of that gude forme and ordour, maiſt meete and expedient to ſtand in perpetuitie in this behalfe, according to the effect of the ſaid acte of Parliament, maid at *Linlithcow*, in conſideration of the great decay of the Eccleſiaſticall eſtait, and vthers maiſt neceſſar and weightie conſiderations mooving his hieneſſe: Therefore his Majeſtie, now after his lawfull and perfite age of xxj. zeires compleit, ſittand in plane Parliament, declaris and decernis, the ſaid act maid be King *Iames* the Firſt, to take ful effect and execution, & ratifies and apprieuis, the ſame be thir preſentes: And for the better execution thereof, ordanis the Commiſſioners of all the Schireffedomes of this Realme, according to the number preſcriued in the ſaid act of Parliament, to be elected be the free-halders foreſaidis, at the firſt head Court after *Michael-mes* zeirlie: Or failzieng thereof, at onie vther time, quhen the ſaidis free-halders pleaſe conveene to that effect: Or that his Majeſtie ſall require them thereto: Quhilkis conventiones, his Majeſtie declaris and decernis, to be lauchfull: And the ſaidis Cõmiſſioners being choſen, as ſaid is, for ilk Schireffedome, their names to be notified zeirlie in writte, to the Director of the Chancellarie, be the Commiſſioners of the zeir preceeding, and thereafter, quhen onie Parliament, or general Convention is to be halden: that the ſaid Commiſſioners be warned at the firſt, be vertew of precepts furth of the Chancellarie: or be his Hieneſſe miſſiue letters or charge: And in all times thereafter, be precepts of the Chancellarie, as ſalbe directed to the vther eſtaites. And that all free-halders bee taxt for the expenſes of the Cõmiſſioners of the Schires, paſſing to Parliament or general Councelles, and letters of poynding or horning, to be direct for payment of the ſummes taxt to that effect, vpon ane ſimple charge of ſex daies warning allanerlie. And that the ſaid Commiſſioners authorized with ſufficient Commiſſiones of the Schireffedome, fra quhilk they cum, ſealed and ſubſcriued with ſexat the leaſt of the Barronnes and free-halderds thereof, ſalbe equall in number, with the Commiſſioners of Burrowes, on the Artickles, and haue voit in Parliamẽt & general Councelles in time cũming: And that his Majeſties miſſiues, before generall Councelles, ſalbe directed to the

ſaidis Commiſſioners, or certaine of the maiſt eweſt of them: As to the Commiſſioners of Burrowes, in time cumming And that the Lordes of Councell and Seſſion, ſall zeirlie direct letters, at the inſtance of the ſaidis Commiſſioners, for conveening of the free-halders, to chuſe the Commiſſioners for the nixt zeir, and making of taxation: to the effect abone written. And that the compeirãce of the ſaids Commiſſioners of the Schires in Parliaments, or general Councelles, ſal relieue the haill remanent ſmall Barrones, and free-halders of the Schires, of their ſuites, and preſence, aucht in the ſaids Parliaments. Providing alwaies, that the ſaids ſmall Barrones, obſerue there promiſes and conditions, maid to his Majeſtie. Vpon the quhilk declaration & ordinance, maid and pronunced be our Soveraine Lord, ſittand in plaine Parliament, as ſaid is; *Iohn Murray* of *Tullibardin*, asked actes and inſtrumentes: And *Dauid*, Erle of *Crawfurd*, Lord *Lindeſay* for him ſelfe, and in name and behalfe of vthers of the Nobilitie, proteſting in the contrair.

114 *The iuſt quantitie of wechtes, mettes and meaſures.*

FOrſameikle As in our Soveraine Lordis late Parliament, halden at *Edinburgh*, the twentie nine day of *Iulij*, laſt by-paſt: his Hieneſſe and his three Eſtaites conveened therein, mooved be the generall complaint of all his loving and gude ſubjectes: Bot ſpeciallie the puir fermorares and labourers of the ground: Gaue, granted, and committed, full power and Commiſſion of Parliamẽt, to his truſtie and weil-beloved Counſellers, and vtheris after ſpecified: They ar to ſay, Maiſter *David Makgill*, of *Niſbet*, his Hieneſſe Advocate: Maiſter *David Carnegie*, of *Cullufthie*: *Robert Fairlie*, of *Braid*: Sir *Archebald Naper*, of *Edinbillie* Knight, General of his Hieneſſe Cuinzie-houſe: *Iohn Arnot*, Commiſſioner of *Edinburgh*: *William Fleming*, Commiſſioner of *Perth*: *Robert Foreſter*, Proveſt and Commiſſioners of *Striuiling*: And *Heugh Campbell*, Proveſt and Commiſſioner of *Irving*: Oronie ſeuen, ſex, or fiue of them conjunctlie: The ſaid Lord Advocate, being ane: To conveene in his ludging, within the Burgh of *Edinburgh*, als oftas they ſall thinke expedient, betuixt and the laſt day of *Auguſt* by-paſt, and there after ſicht and conſideration of the lawes and Actes of Parliament, maid anent mettes, meaſures, and wechtes, in time by-gane, and groundes quhairon they haue proceeded, hauand regard to equitie and indifference: To ſett, make and eſtabliſh ane iuſt mette, meaſure & wecht, to be commoun & vniverſal, amangſt all OVR SOVERAINE LORDIS Liges; To buy, ſell, receiue, and giue out: and to preſent the ſame to his Hieneſſe, and his privie Councell, betuixt and the twentie-ſex day of *Maij*, nixt-tocum: That the ſame micht be notified, to all OVR SOVERAINE LORDIS Lieges, with all convenient ſpeede and diligence thereafter: As the ſaidis Commiſſioners wald anſwere to his Hieneſſe, vpon their obedience: Ordaning letters to be directed, to charge and compell hereto

hereto, gif neede be, in forme as effeiris: Like as at mair length is conteined in the ſaid Commiſſion, giuen be act of Parliament, in maner foreſaid: According to the quhilk, a ſufficient number of the ſaids Commiſſioners, conveening, and hauing ſeene and conſidered, the ſaidis lawes & actes of Parliament, maid anent mettes, meaſures, and wechtes, in time by gane, and groundes quhairon they haue proceeded, hauand regard to equitie & indifference: hes ſett, maid, and eſtabliſhed, ane mett, meaſure and wecht, to be commoun & vniverſal, amangſt al our Soueraine Lords lieges, to buy, ſell, receiue, and giue out, & thereupon hes deliuered their report & concluſion, ſubſcribed with their hands, bearand in effect, that they haue ſichted, red, and conſidered, the ſaidis lawes and acts of Parliament, maid anent mettes, meaſures, & wechtes in times by-gane: the perfite grounds quhairon they haue proceded: that is to ſay, the Elvand, the pund *Trois*, and the ſtane proportionat & effeirand thereto: the bollmett, firlot & peck: the pint, quart & gallon, everie ane in their awin proportion. And hes found that maiſt wiſely, the proportions & grounds of all thir wechtes, mettes, & meaſures, hes bene ſa eſtabliſhed of auld, that everie an of them, comptrollis vthers, & be iuſt conference, makis & eſtabliſhis, ane certaine meaſure & wecht, & therefore hes thoucht maiſt expedient, that the ſame proportion & cõptrolment be obſerued in al time cũming. And firſt hes fund the Eln, & ſtand thereof, committed to *Edinburgh*, conteining 37. inches: The ſtane conteining xvj.li. *Trois*, ilk *Trois* punde, conteining xvj. vnce. The pint of *Striviling*, ij. pund, and ix. vnce *Trois* wecht of cleir water: All the premiſſes, to obſerue a iuſt proportiõ, according to the law & actes of Parliament: & as to the firlot, quhairof there hes bene mention maid in the act of K. *Iames*, the 2. to haue bene of 18. pints: hauing tried & cõptrolled the ſame in deepnes & bread, be the elnwand, & in quantity & wecht, be the ſaid ſtope of *Striviling*, hes foũd the ſame les in proportion, nor it aucht to be, beand comptrolled be the reſt of the wechtes & meaſures abone written, and this as appeiris eareſt be error of the prenter: be reaſon that be iuſt calculation & cõptrolment, the ſamin extended to 19. pintes, & a jucat. And for eſchewing of fraud, hes thoucht expedient, that all victual ſalbe meaſured be ſtraik. And be reaſon that malt, bear, & aites, hes bene vſed to be meaſured be heap, hes fund be examination & trial, that the heap in proportion, is the iuſt thrid of the firlot or peck: Therefore remitted to the Kingis Majeſtie, & Lords of ſecret councel, whidder they thocht it maiſt expedient, to cauſe mak ane particular meaſure for metting malt, bear, & aites be ſtraik: Or that ane meaſure ſuld ſtand vniverſallie, to receiue & deliuer three for twa, or ſex for four of malt, bear & aites, according to the proportion of victuall, ſik as quheit, rie, beanes, peaſe, meall & quhite ſalt in the mercates: except the water mett, to remaine according to the vſe of the cuntrie. Siklike, that there be double ſtanderts of the foreſaidis wechtes, mettes and meaſures maid of braſſe: the ane of euerie ane of them to remaine in the regiſter, & the vther, with the touns, to quhom they haue bene cõmitted of auld, to be direct furth to the hail lieges, to be vſed vniverſally, & this with-

without prejudice to onie persons, quha ar founded, infeft, or addebted be tack, or contract of auld, or new termes of vtheris measures, bot that their foūdation, infeftment, tack or cōtract, sal stand in effect, & the measure of their foūdation, infeftmēt, tack or contract, salbe proportioned to the measure now to be establisshed be his Majestie, his Parliamēt & counsell: Swa that the same quantitie sall remaine with the giver, and the receiuer, but prejudice of onie of them, as the said report, exhibit to the Lordes of secreet Councell, at mair length proportis: Quhilk being seene, considered and allowed be them: They therefore, according to the power and authoritie of the said Parliament, and report of the saidis Commissioners, haue decerned and ordained, and be thir presentes, decernis and ordanis, the Firlot to be augmented, and the standert thereof to be of the forme after specified: And to conteine nine-tene pintes, and twa Ioucattes: And this to be the measure of all victuall and stuffe, vsed in times by-past, to be sauld be straike, sik as Quheite, Rie, Peas, Beanes Meale & quhite Salt, sauld in mercats, or in the Countrie: The widenes and breadnesse of the quhilk Firlot, vnder and abone, euen over, within the buirdes, sall conteine auchtene inches, and sext part of ane inche: The deepenes, seuen inches, and halfe inche. And the Pecke to be maid effeirand thereto. And that the steppes of the said Firlot, be of the auld proportion in thicknesse of baith the buirdes, ane inche and ane halfe: That the bottome thereof be crossed with iron, nailed to the same, and to the ring of the Firlot: and the edge of the bottom, entring within the lagene, be pared out-with, towarde the nether side, and to be maid in-with plaine and iust rule richt: That the mouth be ringed about with ane circle or girth of iron, in-with and out-with, hauand a croce iron barre, passing ouer fra the ane side to the vther, three-squared, ane edge downe, and a plaine side vp: Quhilk sall gang rule right, with the edge of the Firlot, and euerie square salbe ane iust inche of breadth: And that there be ane prick of iron, ane inche in roundnesse, with an shoulder vnder and abone, rising vpright, out of the centrie or middest of the bottom of the Firlot, and passing throw the middest of the said ouer-croce barre, ruiffed baith vnder and abone: And that the Couper cause the ring straike of the said Firlot, passe fra the ane end of the said over iron barre, to the vther. And be reason that Malt, Bear, and Aites, hes bene vsed to be measured be heape: & for eschewing of fraud, thinkis expediend and ordanis, that all victualles salbe measured be the straike in time cumming: Seeing be the iust tryall and examination, the heape in proportion, is found the thrid of the Firlot or peck: And that the foresaid measures of the firlot and Peck, stand vniversallie: receiuing an deliuering three for twa, or sex for four, of malt, beir, and aites, according to the proportion abone written: Except the water-mette, to remaine according to the vse of the Countrie. And that there be double standerts of the Firlot, maid of Brasse, be the Burgh of *Linlithcow*, and of the foresaids vthers mettes and weightes, be the vtheris Burrowes, to quhom they

haue

haue bene committed of auld: And ane of euerie ane of them, to remaine in the Regiſter, and the vther, with the ſaidis Burrowes: And the iuſt meaſure and quantitie of the ſame, to be direct furth be the ſaids Burrowes, to the haill Lieges of this Realme, to be vſed vniverſallie, in maner and forme before rehearſed.

AND that the foreſaidis wechtes, mettes, and meaſures, with the quhilkis, all and quhatſum-euer perſones, ſalbe halden to buy, ſell, mett, meaſure, wey & deliuer, haue courſe allanerlie, within this Realme, after twentie ſext day of *Maij* nixt-to-cum: and na vtheris wechtes, mettes, nor meaſures, vnder the paines conteined in the Actes of Parliament, maid here anent, in his vmquhile deareſt Mothers daies. And that all Firlottes to be vſed in mercattes, baith to Burgh and land, be burnt and ſealed, with the burning iron of the head Burgh of the Schire, quhairin the ſaids mercattes ar halden. And that the Proveſts and Baillies of Burrowes and Cities, baith of Regalitie and Royaltie: And als the Baillies of Burrowes in Barronie, and vthers quhatſum-euer places, quhair mercattes of victuall ar halden: ſalbe bound that all meaſures to be vſed, ſall be of ane forme and quantitie, according to this preſent act. And gif ony differēt meaſures be found in onie of the places abone written; the ſaids Proveſtes and Baillies of Royalties, Regalities, and Barronies, to be accuſable thereof, conforme to the ſaidis Actes and lawes, maid be his hieneſt deareſt Mother of before. PROVIDING Alwaies, gif onie perſones be founded or infeft, or addebted be tack or contract of auld, or new fermes of vther meaſures, then ar abone written; Their foundation, infeftment, tack, or contract, quhidder it be mair or leſſe, ſalbe proportioned to this meaſure that now is: Swa that the ſame quantitie, ſall remaine with the giuer and receiuer, but prejudice of onie of them. And ordanis the Clerk of Regiſter, to inſert this preſent Act, quhilk is of the dait, at *Haly-rude-houſe*, the firſt day of *November*, the zeir of God, 1587. zeires, in the buiks of Parliament *ad futuram rei memoriam*; And that letters be direct for publication of the premiſſes, be open proclamation, at the mercat-croce, of the head Burrowes of this Realme, & vtheris places needefull; That nane pretend ignorance of the ſame. Commanding and chargeing, all and ſindrie, the ſaidis Proveſtes and Baillies of Barronies and Cities, baith of Regalitie and Royaltie: And als the Baillies of Burrowes in Barronie, and vtheris quhatſum-ever places, quhair mercattes of victual ar halden, to put in execution this preſent act, and euerie parte thereof, ſa far as concernes them: Swa that the ſame may take full effect, after the ſaid xxvj. day of *Maij*, nixt to cum: After the forme and tenour of the ſaidis of Actes Parliament, and vnder the paines abone written, conteined therein: with certification to them, and they failzie, they ſalbe called, accuſed, and the paines of the ſaidis Actes ſalbe execute vpon them, in all rigour, in exemple of vtheris.

FINIS.

THE

The roll of the Names of the Landis-lords and Baillies of Landes dvvelling on the Bordoures and in the Hielandes, quhair Broken men hes dwelt, and presentlie dwellis. To the quhilk Roll, the 94. Acte of this Parliament is relatiue.

Middle March.

The Erle *Both-well.*
The Laird of *Farnie-herst.*
The Erle of *Angus.*
The Laird of *Buck-cleuch*
The Schirefe of *Teviot-daill.*
The Laird of *Bed-roule*
The Laird of *Wauchop.*
The Lord *Hereis.*
The Laird of *How-paislay.*
George Turne-bull of *Halrovle.*
The Laird of *Littill-dene.*
The Laird of *Drum-langrig.*
The Laird of *Chisholme.*

West March.

The Lord *Maxwell.*
The Laird of *Drumlangrig.*
The Laird of *Iohneston.*
The Laird of *Aple-girth.*
The Laird of *Holmends.*
The Laird of *Gratnay.*
The Lord *Hereis.*
The Laird of *Dun-widdie.*
The Laird of *Lochin-war.*

Landis-lords & Baillies. Hielandes and Iles.

The Duke of *Lennox.*
The Laird of *Buchannan.*
The Laird of *Mak-farlane* of the *Arroquhair.*
The Laird of *Lusse.*
The Laird *Mak-caula of Ardincaple.*
The Laird of *Merchinston.*
The Laird of *Glennegyis.*
The Erle of *Glen-cairne.*
The Laird of *Drumquhassill.*
The Laird of *Kilcreuch.*
The Tutour of *Menteith.*
The Laird of *Knokhill.*
Henry Schaw of *Cambusmoir.*
The Laird of *Kippenrosse.*
The Laird of *Burley.*
The Laird of *Keir.*
The Maister of *Levingstoun.*
The Lord of *Doun.*
The Lord *Drummound.*
The Laird of *Tulliebardin.*
The Laird of *Glen-urquhy.*
The Laird of *Laweris*
The Laird of *Weyme.*
The Abbot of *Inche-chaffray.*
Coline Campbell of *Ardbeith.*
The Laird of *Glen-lyon.*
The Erle of *Athole.*
The Laird of *Grantullie.*
The Laird *Strowane, Robert-sonne.*
The Laird *Strowane, Murray.*
The Laird of *Wester-wemes.*
The Laird of *Abbots-hall.*
The Laird of *Teling.*
The Laird of *Inch-Martine.*
The Laird of *Pury-Fotthringhame.*

The

The Laird of *Moncreif.*
The Laird of *Balleachen.*
The Barron of *Fandowie.*
The Erle of *Erroll.*
The Erle of *Gowrie.*
The Laird of *Cultiebragane.*
The Lord *Ogilvie.*
The Laird of *Clouay.*
The Laird of *Fintrie.*
The Laird of *Edzell.*
The Erle of *Marre.*
The Maiſter of *Elphinſtoun.*
The Erle of *Huntlie.*
The Maiſter of *Forbes.*
The Laird of *Grant.*
Makintoſche.
The Lord and Tutour of *Lovate*
Chiſholme of *Cummer.*
The Laird of *Glengarrey.*
Mackeinzie.
The Laird of *Fowlis.*
The Laird of *Balnagoun.*
The Tutor of *Cromartie.*
The Erle of *Suther-land.*
The Laird of *Duffus.*
James Innes of *Touchis.*
The Erle of *Caithnes.*
The Erle *Marſchell.*
The Lord *Oliphant.*
The Laird of *Bowquholly.*
The Laird of *Dunnybeith.*
Mackye of *Far.*
Torquhill Mak-lewid of *Togoyth*
The Laird of *Garloch.*
Makgilliechallum of *Raarſay.*
Mak-lewid of *the Harrich*
Mackinnoun of *Strathodell.*
Mak-lewid of the *Lewiſs.*
Makneill of *Bara.*
Mackeane of *Ardnamurchen.*
Alane Mackeane of Iland *Terim.*
The Laird of *Knoydert.*
Macklene of *Dowart.*
The Laird of *Ardgower.*
Iohn Stewart of the *Appin.*
Mackoull of *Lorne.*
Mackoull of *Roray.*
The Laird of *Lochinnell.*
The Laird of *Caddell.*
The Laird of *Skelmurelie* for *Rauchry*
Mackondachy of *Innerraw.*
Angus Mackoneil of *Dunnyweg*, and the *Glennes.*
The Laird of *Lowip.*
The Schireffe of *Bute.*
The Laird of *Camys.*
The Erle of *Argile.*
The Laird of *Auchinbrek.*
The Laird of *Ardkinglas.*
Maknauchtane.
Mak-lauchlane.
The Laird of *Lawmount.*
The Laird of *Parbreck.*
The Laird of *Duntrune.*
Conſtable of *Dundie*, L. of *Glaſtry.*
The Laird of *Elenegreg.*
The Laird of *Otter.*
The Laird of *Coll*
Macklene of *Lochunie*
Makfee of *Collonſay.*
The Lord *Hammiltoun.*

THE ROLL OF THE CLANNES

THAT HES CAPTAINES AND CHIEFTAINES, quhom on they depende, oft-times againſt the willes of their Landis-lordes, *alſweill on the* Bordoures, *as* Hie-landes; *and of ſum ſpe-*ciall perſones of Braunches of the ſaidis Clannes.

Middle Marche.

Ellottes.
Arme ſtranges.
Nickſonnes.
Croſers.

Weſt Marche.

Scottes of *Euſdaill.*
Beatiſonnes.
Littles.
Thomſonnes.
Glendunninges.
Irvinges.
Belles.
Carrutheres.
Grahames.
Iohnſtones.
Iardanes.
Moffettes,
Latimers.

Hielandes and Iles.

Buchannannes.
Mak-farlanes of the *Arroquhair*
Mak-knabbes.
Grahames of *Menteith.*
Stewartes of *Balquhidder.*
Clanne-Gregore.
Clan-Lauren.
Campbelles of *Lochinel.*
Campbelles of *Innerraw.*
Clan-dowall of *Lorne.*
Stewartes of *Lorne*, or of *Appin.*
Clan-Mackeane Awricht
Stewartes of *Athoill* and partes adjacent.
Clanne-Donoquhy in *Athoill*, and partes adjacent
Meinzies in *Athoill* and *Apnadull.*
Clan-mak-Thomas in *Glenſche.*
Fergusſonnes
Spaldinges
Makintoſches in *Athoill.*
Clan-Chamron.
Clan-Rannald in *Loch-Aber.*
Clan-Rannald of *Knoydert*, *Moydert*, and *Glengarrey.*
Clan-Lewid of the *Lewis.*
Clan-Lewid of *Harrich.*
Clan-Neill.
Clan-Kinnon.
Clan-Ieane.
Clan-Chattane
Grantes.
Fraſeres
Clan-Keinzie.
Clan Aucreis
Munroes.
Murrayes in *Southerland.*

THE

ANE TABLE OF THE PARTICVLAR ACTES AND VTHERIS: MAID BE KING *IAMES* THE SEXT, IN THIS ELleuenth Parliament, the twentie nine of *Iulij*, the zeir of GOD, ane thouſand, fiue hundreth, foure-ſcoir ſeuen zeires, nocht imprented.

1 *Commiſsion anent the Cunzie.*

2 *Commiſsion for ane Taxation anent the Kingis mariage.*

3 *Commiſsion for eſtabliſhing of ane vniverſall mette, meaſure, and wecht.*

4 *Commiſsion for ſatisfaction of the Clergie for their life-rentes.*

5 *Commiſsion anent the Prioritie of places, and voyting in Parliament*

6 *Anent our Soueraine Lordis privie Councell.*

7 *Ratification of the Priviledge of the Seſsion.*

8 *Act in fauour of the Lordes of Seſsion, as ſall become aged and vn-able.*

9 *Anent the vacance of the Seſsion.*

10 *Ratification of the Actes anent Foreſtalleres and Regratoures.*

11 *Acte in fauoures of them, quha hes maid payment,* bona fide, *to Factoures.*

12 *Acte anent fewes and tackes of* Kelſo, *ſubſcribed bee* Sir Iohn Maitland.

13 *Certaine maters remitted to the Checker.*

14 *Anent the wed-ſetting of the Kingis propertie.*

15 *Anent granting of reſpettes and remiſsiones.*

16 *Anent vniverſall concord amangſt the Kingis lieges.*

17 *Ratification of the pacification, reſtitution and abolition, granted to our Soueraine Lordes lieges, at diverſe Parliamentes of before.*

18 *Acte in fauoures of the Noble men, being with the Kingis Maieſtie at* Striviling.

19 *Ratification to the Erle of* Angus, *of the Erledome of* Mortoun.

20 *Submiſsion of the controverſie, betuixt the Erle of* Angus, *and the Lorde* Fleming.

21 *Act annulling of the richtes and titles of* Dumfermeline, *maid be the Maiſter of* Gray.

22 *Ratification to the Erle of* Crawfurd, *of the baſtardrie of maiſter* George Creichtoun, *and his bairnes*
23 *Act betuixt the Erle of* Crawfurd, *and the Burgh of* Dundie.
24 *Act in fauour of the maiſter of* Grahame.
25 *Act in fauour of the Erle of* Marr.
26 *Submiſsion betuixt the Counteſſe of* Murray, *and the Lairde of* Pettarrow.
27 *Ratification of the Erledome of* Gowrie.
28 *Act in fauour of the maiſter of* Eglingtoun.
29 *Act in fauour of* Claud, *Commendatar of* Paiſlay *for* Cambuſlang.
30 *Acte in fauour of* Claud Hammiltoun, *ſonne to the Commendatar of* Paiſlay.
31 *Act in fauour of* Walter, *commendatar of* Blantire.
32 *Acte in fauour of maiſter* Edward Bruyſe, *touching the abbacie of* Kinloſſe.
33 *Ratification to* Alexander, *Commendatar of* Pluſcardin.
34 *In fauoures of the Commendatar of* Scone.
35 *In fauour of maiſter* Iames Haliburtoun.
36 *Of the College of* Glaſgow.
37 *Of the new College of* Saint-Andrewes.
38 *Anent the perſonage of* Dunſe.
39 *Act in fauour of maiſter David* Lindeſay, *miniſter at* Leith.
40 *Of* Thomas Hutſoun, *maiſter of his Hieneſſe Chappell Royall.*
41 *Anent the beneſices preſented be the Erle of* Orknay.
42 *Ratification of the infeſtments of S.* Iohn Maitland *of* Thirleſtane *Knight.*
43 *To maiſter* Peter Young, *of* Seytoun.
44 *To Sir* Patrick Vaus, *of* Barnebarrow *Knight.*
45 *To maiſter* George Young, *of the Arche-deanrie of* Saint-Andrewes.
46 *Ane vther to the ſaid maiſter* George, *and* Iohn Andro.
47 *Act in favour of the Ladie* Burlie, *and her bairnes, thriſe.*
48 *In fauour of* Iohn Acheſon.
49 *Anent the aires of* Mony-ward
50 *In fauoures of* Iames *and* Iohn Meinzies.
51 *Remiſsion of the Laird of* Duryis *ſupplication to the Kingis Maieſtie.*
52 *Act in fauour of the Laird of* Roſſyith
53 *In fauour of* Iames Stewart, *ſonne to the Erle of* Buchane.
54 *In fauour of* Dauid Ferguſſon *of* Glenſchinrot.
55 *Ratification to the Burgh of* Edinburgh, *of the infeſtment maid to them, Anent the ſuſtentation of the Miniſtrie, Puir, and College*
56 *Ratification of the Hoſpitall of the Burgh of* Perth.
57 *Ratification to the Burgh of* Mont-roſe.
58 *Commiſsion in fauour of the Citie of* Glaſgow.
59 *In fauour of the Gold-ſmithes*
60 *Ratification to the Burgh of* Brunt-Iland.

61 *An Act in fauour of the Burgh of* Carraill.
62 *Of the toun of* Auſtruther.
63 *Of the Craſteſ-men* Fleminges.
64 *Confirmation to* Mark, *Lord* New-bottle.
65 *Act in fauour of the zoung Laird of* Kinfawnes.
66 *Commiſsion to treat for the defenſe of the Realme, in the time of weire.*
67 *Commiſsion for ſetting of the ordour of the taxation on all eſtaites.*
68 *Commiſsion for ſetting of the quantitie of the bulzeoun, to be broucht to the cuinzie-houſe, of all cuſtomed gudes.*
69 *Act in fauour of the toun of* Dalkeith.
70 *Act in fauour of the toun of* Polvart.
71 *Commiſsion anent the Brig of* Don.
72 *The Brig of* Crawmond.
73 *The Brig of* Air.
74 *The Brig of* Irving.
75 *Commiſsion for the articles, for better execution of Iuſtice.*
76 *Commiſsion to conſidder the Actes of Parliament.*
77 *Act in fauour of Maiſter* Henrie Keir.
78 *Act in fauour of the Theſaurer, anent expeding of Ratifications.*

FINIS.

THE TVVELFTH PARLIAMENT HALDEN AT EDINBVRGH, THE FIFTH DAY OF IVNII THE ZEIR OF GOD, 1592. ZEIRES: BE *the richt excellent, richt high, and mightie Prince,* IAMES the Sext, Be the grace of GOD, King of *SCOTTES*: With adviſe of his three Eſtaites.

114 Ratification of the libertie of the trew Kirk: of Generall and Synodall aſſemblies: Of Presbyteries, of diſcipline. All Lawes of Idolatrie ar abrogate: Of preſentation to benefices.



VR Soueraine Lord, and Eſtaites of this preſent Parliament; Following the lovabil & gude exemple of their Predeceſſoures: Hes ratified & appreeved, and be the tenour of this preſent act, ratifies and appreuis all liberties, priviledges, immunities and freedomes quhatſum-euer, giuen and granted be his Hieneſſe, his Regentes in his name, or onie of his Predeceſſours, to the trew and halie Kirk, preſentlie eſtabliſhed within this Realme, and declared in the firſt Acte of his Hieneſſe Parliament, the twentie day of *October*, the zeir of GOD, ane thouſand, fiue hundreth, three-ſcoir nine-tene zeires: And all and quhatſum-euer Actes of Parliament, and ſtautes maid of before, be his Hieneſſe, and his Regentes; Anent the libertie and freedome of the ſaid Kirk: And ſpeciallie, the firſt Acte of Parliament, halden at *Edinburgh*, the twentie foure daie of *October*, the zeir of GOD, ane thouſand, fiue hundreth, four-ſcore ane zeires, With the haill particular Actes there mentioned: Quhilk ſalbe als ſufficient, as gif the ſamin were here expreſſed: And all vther Acts of Parliament maid ſenſine, infauour of the trew Kirk: And ſik like, ratifies & appreiuis, the general Aſſemblies appoynted be the ſaid Kirk: And decla-

declaris, that it ſalbe lauchfull to the Kirk and Miniſters, euerie zeir at the leaſt & after *pro re nata*, as occaſion & neceſſitie ſal require, to hald & kepe general Aſſemblies: Providing that the Kings Majeſtie, or his Cõmiſſioners, with them to be appoynted, be his hieneſſe, be preſent at ilk generall aſſemblie, before the diſſoluing thereof, nominate & appoynt time and place, quhen and quhair the nixt general aſſembly ſalbe halden: and incaſe naither his Majeſtie, nor his ſaid Cõmiſſioners beis preſent for the time in that Toun, quhair the ſaid generall aſſemblie beis harden: Then & in that caſe, it ſalbe leſum to the ſaid general aſſemblie, be themſelues, to nominate and appoynt time and place, quhair the nixt general aſſemblie of the Kirk ſalbe keiped & halden, as they haue bene in vſe to do thir times by-paſt. And als ratifies and appreuis, the Synodall and Prouinciall aſſemblies, to be halden be the ſaid Kirk & Miniſters, twiſe ilk zeir, as they haue bene, and ar preſentlie in vſe to do, within everie province of this realme: And ratifies & appreevis the Presbyteries, & particular ſeſſiones, appoynted be the ſaid Kirk, with the haill juriſdiction and diſcipline of the ſame Kirk, aggried vpon be his Majeſtie in cõference had be his Hieneſſe, with certaine of the Miniſters, conveened to that effect. Of the quhilks artickles, the tenour followes. MATERS To be intreated in Provincial aſſemblies: Thir aſſemblies ar conſtitute for weichtie maters, neceſſar to be intreated be mutuall conſent, and aſſiſtance of brethren, within the Province, as neede requiris. This aſſemblie hes power to handle, ordour, and redreſſe, all thinges omitted or done amiſſe in the particular aſſemblies. It hes power to depoſe the office-beareres of that Province, for gude and iuſt cauſe, deſerving deprivation: And generallie, thir aſſemblies hes the hail power of the particular Elderſchipps, quhairof they ar collected. MATERS To be intreated, in the Presbyteries. The power of the Presbyteries is to giue diligent laboures in the boundes committed to their charge; That the Kirkes be keeped in gude ordour, To inquire diligentlie of & naughtie vngodlie perſons: And to travel to bring them in the way againe bee admonition, or threatning of Gods judgements, or be correction. It appertaines to the Elderſchippe, to take heede, that the word of God be purelie preached within their boundes: The Sacramentes richtlie miniſtred, the Diſcipline interteined: And Eccleſiaſticall gudes vncorruptlie diſtributed. It belangis to this kinde of aſſemblies, to cauſe the ordinances maid be the Aſſemblies Provincialles, Nationalles, and generalles, to be keeped and put in execution, to make conſtitutions, quhilk concernis τὸ πρεπον in the Kirk, for decent ordour, in the particular Kirk, quhair they governe: Providing that they alter na rules maid be the Prouinciall, or Generall aſſemblies: And that they make the Provinciall aſſemblies foreſaid, privie of the rules that they ſall make: And to aboliſh conſtitutiones, tending to the hurt of the ſame. It hes power to excommunicate the obſtinate, formal Proces being led, and dew intervall of times obſerued. ANENT Particular Kirks, gif they be lauchfullie ruled, be ſufficient Miniſterie and Seſſion.

They haue power and iuriſdiction in their owen Congregation, in maters Eccleſiaſticall. And decernis and declaris the ſaides Aſſemblies, Presbyteries, and Seſſiounes, Iuriſdiction and Diſcipline there-of foreſaid, to be in all times cumming maiſt juſt, gude, and godlie in the ſelfe, Not-with-ſtanding of quhat-ſum-ever Statutes, Actes, Cannone, Civill, or Municipall Lawes, made in the contrare. To the quhilkis and euerie ane of them, thir preſentes ſall make expreſſe derogation: And becauſe there ar diuers actes of Parliament, maid in fauour of the Papiſticall Kirke, tending to the prejudice of the libertie of the trew Kirk of God, preſentlie profeſſed within this Realme, juriſdiction and diſcipline thereof; Quhilk ſtands zit in the buikes of the actes of Parliament, nocht abrogated nor annulled: Therefore his Hieneſſe, and Eſtaites foreſaids, hes abrogated, caſſed, and annulled, and bee the tenour hereof, abrogatis, caſſis and annullis all Actes of Parliament maid be onie of his Hieneſſe predeceſſoures, for maintenance of ſuperſtion and idolatrie, with all and quhatſum-euer Acts, lawes and ſtatutes, maid at ony time, before the daie and dait hereof, againſt the libertie of the trew Kirk, juriſdiction and diſcipline theirof, as the ſamin is vſed and exerciſed within this Realme.

And in ſpeciall, that part of the act of Parliament, halden at *Striviling*, the fourt day of *Nouember*, The zeir of God, ane thouſand, four hundreth, fourtie three zeires, commaunding obedience to be given to *Eugenius* the *Paipe* for the time: The acte maid be King *Iames* the thrid, In his Parliament halden at *Edinburgh*, the twentie four day of *Februar*: The zeir of God, ane thouſand, four hundreth, four ſcoir zeires. And al vtheris actes, quhairby the *Paipis* authoritie is eſtabliſhed. The Acte of King *Iames* the thrid, in his Parliament halden at *Edinburgh*, the twentie daie of *November*, the zeir of God, ane thouſand, four hundreth, three ſcoir nine zeires, anent the Satterday, and vther vigiles to be halie-daies, from Euen-ſang to Euen-ſang.

ITEM, that pairt of the act, maid be the *Queene Regent*, in the Parliament halden at *Edinburgh*, the firſt day of *Februar*: The zeir of GOD, ane thouſand, fiue hundreth, fiftie ane zeires, giuing ſpeciall licence, for halding of *Paſche* and *Zule*. ITEM the Kingis Majeſtie and Eſtaites, foreſaidis, declaris, that the 129. acte of the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, ane thouſand, fiue hūdreth, four ſcoir, four zeires, ſal na wiſe be prejudiciall, nor derogate onie thing to the priuiledge that God hes giuen to the ſpiritual office-bearers in the Kirk, concerning heads of Religion, maters of Hereſie, Excommunication, collation or depriuation of Miniſters, or ony ſiklike eſſentiall cenſours, ſpeciallie grounded, & hauand warrand of the word of God. Item our Soueraine Lord, and Eſtaites of Parliament foreſaidis, abrogatis, caſſis, and annullis, the act of the ſame Parliament, halden at *Edinburgh*, the ſaid zeir, ane thouſand, fiue hundreth, four ſcoir four zeires, granting commiſſion to Biſchopps, and vtheris Iudges, conſtitute in Eccleſi-

aſticall

aſtical cauſes, to receiue his hieneſſe preſentationes to benefices, to giue collation thereupon: and to put ordour in al cauſes Eccleſiaſtical: quhilk his Majeſtie and eſtaites foreſaidis, declaris to be expired in the ſelfe, and to be null in time cumming, and of nane availl, force nor effect. And therefore ordanis all preſentations to benefices, to be direct to the particular Presbyteries, in all time cumming: with full power to giue collatiõ thereupon; And to put ordour to all maters and cauſes Eccleſiaſticall, within their boundes, according to the diſcipline of the Kirk: Providing the foreſaid Presbyteries be bound and aſtricted, to receiue and admit quhatſumeuer qualified Miniſter, preſented be his Majeſtie, or laïck patrones.

119 Vnqualified perſones being depriued, the benefice vakis, and the Patron not preſentand, the richt of preſentation perteinis to the Preſbyterie, but preiudice of the tackes, ſet be the perſon depriued.

OVR SOVERAINE LORD Conſidering the great abuſes quhilkis ar laitlie croppen in the Kirk, throw the misbehaueour of ſik perſones, as ar provided to Eccleſiaſtical functions: Sik as Perſonages and Vicarages, within onie Parochin, and thereafter neglecting their charge, ather leaue their cure, or els committis ſik crimes, faultes, or enormities, that they ar found worthie of the ſentence of depriuation, ather before their awin Presbyterie, or elſe before the aſſemblies. Quhilk ſentence is the leſſe regarded be them, Becauſe albeit they be depriued of their function and Cure within the Kirk: zit they thinke they may bruik lawfullie the profites and rentes of their ſaidis benefices, induring their life-rentes; Notwithſtanding the ſaid ſentence of deprivation: Therefore, OVR SOVERAINE LORD, VVith adviſe of the Eſtaites of this preſent Parliament, declaris, that all and quhatſumeuer ſentences of depriuation, ather pronunced alreadie, or that happenis to be pronunced hereafter, be onie Presbyterie, Synodall, or Generall aſſemblies, againſt onie Perſon or Vicar, within their juriſdiction, prouided ſen his Hieneſſe Coronation: All Perſones, provided to Perſonages and Vicarages, quha hes voit in Parliament, ſecreit councell, and Seſſion, or provided thereto of auld, before the Kingis Coronation, (And Maiſter *George Young*, Arch-deane of *Saint-Andrewes*, being ſpecialie excepted) is, and ſalbe repute in all judgementes, ane iuſt cauſe to ſeclude the perſon before provided, and then depriued from all profites, commodities, rentes and dewties of the ſaid Perſonage and Vicarage, or benefice of Cure: And that ather bee way of action, exception, or reply. And that the ſaid ſentence of deprivation, ſall bee ane ſufficient cauſe to make the ſaid Benefice, to vaike thereby. And the ſaid ſentence being extracted, preſented to the Patrone, the ſaid Patrone ſalbe bound to preſent ane qualified perſon of new to the Kirk, within the

the ſpace of ſex Moneths thereafter: And gif he failzie to do the ſame, the ſaid Patrone ſal tine the richt of preſentation, for that time allanerlie: And the richt of preſentation to be delivered in the handes of the Preſbyterie, within the quhilk the benefice lies: to the effect that they may diſpone the ſame, & giue collation thereof, to ſik an qualified perſon, as they ſall think expediēt. Providing alwaies, incaſe the Presbytery refuſis to admit onie qualified Miniſter, preſented to them be the Patrone: It ſal be lauchful to the Patrone, to reteine the haill fruites of the ſaid Benefice in his awin handes. And furder, his Hieneſſe and eſtaites foreſaidis, declaris that the depriuation already pronunced, or to be pronunced, be onie Presbyterie, Synodall, or Generall aſſemblies, againſt onie of the Perſones or Vicars foreſaidis, ſall na waies hurt, or be prejudiciall to ony tackes, lawfullie ſet be that Perſon deprived, before his deprivation, to quhatſumeuer perſones.

116 *Anent Manſes and glebes in Cathedrall and Abbaie Kirkes.*

OVR Soueraine Lord, With adviſe of the Eſtaites of this preſent Parliament, ſtatutis & ordanis: That the acts of Parliament maid of before, anent manſes and glebes, to be giuen to Miniſters of Gods halie Evangell, within this Realme, ſalbe vnderſtand and extended to al Abbaies, and Cathedral Kirkes, within this Realme, quhair na vther manſe nor glebe, perteining to Perſon or Vicar, was of before: Swa that the Miniſters preſentlie admitted, or quhilkis hereafter ſal happen to be admitted, to the Office or Cure of the Miniſterie, within the ſaid Kirk, ſall haue ane ſufficient manſe and dwelling place, within the precinct of the Abbaie quhair he ſeruis: Togidder with foure acres of land, of the beſt and maiſt commodious, lyand *contiguè*, and maiſt eweſt to the ſaid manſe, quhilk perteinis, or in onie time of before perteined, to the ſaid Abbaie, or onie member thereof: Quhidder the ſamin land lye within the ſaid precinct, or without the ſame, gif there be ſa meikle, as may extend to the quantitie of foure acres, to be deſigned, inhabit, occupied, laboured, manured; conforme to the tenour of the acte of Parliament, maid of before, anent manſes and glebes, to be giuen to the Miniſters of Gods word, within this Realme: with ſpeciall proviſion, that it ſall be in the option of the Abbotes, Priores, and vtheris Prelates and perſones quhatſumeuer, fewares of the ſaidis Cathedrall, and Abbaie places: ather to grant ane manſe to the Miniſter, within the precinct of their place: Or elſe, ane ſufficient manſe, lyand als eweſt and commodious to the Paroche Kirk.

117 *Ane woman diuorced for her adulterie, may not annalie or dispone her lands or possessiones, in preiudice of the bairnes, gotten the time of her mariage, or of her vther aires quhatsumeuer.*

IT is statute and ordaned be our Soueraine Lord, and Estaites of this present Parliament, that quhenso-euer ony woman is, or hes bene divorced fra her lauchfull spouse, for her awin fault & offense of adulterie: And cõpleitis vnlawful & pretended mariage with the same persõ, with quhom she cõmitted the said offence, or plainly & openlie dwellis and resortis in cõpanie with him at bed & buird; gif she haue ony lands, heritage, tackes, roumes or possessions: It sall not be lauchfull for her to dispone, annalie, or put awaie the samin, in al, or in part, ather to her said pretended husband & adulterer: or to the succession proceeding of that pretẽded mariage, or carnal deale: nor to quhatsumeuer vther person or persons, in prejudice and hurt of the aires and succesion, procreat vpon the said first lauchfull mariage: or failzieng of them, of her vther lauchful aires quhatsũeuer, nor to do onie deed, directly nor indirectlie, that may hurt & prejudge them therein: and declaris and ordanis, that the aires & successours of her, procreat in the said first lauchful mariage; & failzieng of them, her vther lauchfull aires quhatsumeuer, ar and sal be able to succeede to her after her decease, in the saidis landes, heritage, tackes, and possessiones: Notwithstanding anie alienation or disposition maid in onie time by-gane, or to be maid hereafter in the contrair, quhilks pretended alienations & dispositiõs, maid or to be maid, in maner foresaid; our Soueraine Lord, & Estaites of Parliament, decernis and declaris to haue bene, & to be null from the beginning, and ordanis the said nullitie to be receiued and admitted, by way of exception or reply; But ony processe or summounds of reduction, alsweill before the Lordes of Councel and Session, as before the inferiour Iudges, in service of brieues, and al vther actiones and causes, quhaireuer the samin may occur: And ordanis this present constitution, to haue full effect, anent all dispositiones and alienationes foresaidis: gif onie be maid, sen the Parliament halden be our Soveraine Lord, after his perfite age of xxj. zeires compleit, in the Moneth of *Iulij*, the zeir of God, 1587 zeires.

118 *Al committers of slauchter, within Kirkes or Kirk-zairdes, and receipters of them, after declaratour, tines their life-rentes.*

IT Is statute, ordaned and declared, that quhatsumeuer person or persones committis slauchter within onie Kirk or Kirk-zaird, the time of the Prayer, preaching, or ministration of the Sacramentes; That person or persones, committers of the said slauchter, being ather denunced rebelles, or declared fugitiue for the same; The Kingis Majestie sal haue ful power, not onlie to dispone vpon them, their simple escheit of mouables: but alswa vpon the life-rent of all and quhatsumeuer their landes, liuings, tacks, teinds, roumes or possessions *&c.* And declaris, that quhatsumeuer person or persons, sal happen to receipt ony of the saids persõs, quha

quha beis denunced rebelles or fugitiue, for the ſaids ſlauchters, commit ted within the ſaides kirks or kirkzairds, declaratour being firſt paſt vpon their ſaid receipt. The receipteres of them ſal incur the ſame paine & tinſall of their lyte-rentes.

119 Erection of Kirk-landes and teindes in temporall Lord-ſhippes, is forbidden

THE Kingis Majeſtie and eſtaites of this preſent parliament, for eſchewing of the great inconvenientes likelie to ariſe, throw erection of temporalities and teindes of Kirk-land, in temporal Lord-ſhippes, and livinges to the prejudice of the Kirk, and hurt of his Majeſties eſtaite, & priviledge of his Crown: Ordainis and declaris that na erectiones of the foreſaides Lands and teindes, maid ſen the act of annexation, ſalbe ratified or given in this parliament, nor in na time hereafter: And incaſe ony erection happenis to be obteined in onie time cumming. The Kings Majeſtie and eſtaites foreſaids, declairis the ſame to be null, and of nane effect in the ſelfe, exceptand alwaies, like as our ſaid Soveraine Lord, and eſtaites abone written, expreſly exceptis and reſeruis al erectiones, charters, and infeftmentes, granted be his hienes, of ſik pairties and portiones of the Kirk-landes, alreadie erected in temporall Lord-ſhipps and Barronnies, to ſik perſon, or perſones, as hes alreadie, ſen the ſaid lait Act of annexation, receiued the honours, ordours & eſtaites of Lords of Parliament, be the ſolemne forme of belting, & vthers ceremonies obſerved in ſik cauſes, and hes ſenſine entered and ſitten in Parliament, as temporal Lordes voited in Parliament, and Articles received and admitted to that effect.

120 Sayers of Meſſe, Ieſuites, Seminarie-Prieſtes, *traſficquing* Papiſtes, *and receipteres of ony of them, committis treaſon.*

THE Kingis Majeſtie, and Eſtaites of this preſent Parliament, ratifies and appreiuis, all and quhatſumeuer actes of Parliament, ſecret councell and Proclamations, maid of before, againſt *Ieſuites, Seminarie-prieſtes*, and trafficquing *Papiſtes*, and receipters of onie of them: And decernis and declaris, that in all time cumming, the ſaying of *Meſſe*, recepting of *Ieſuites*, *Seminarie-Prieſtes*, trafficquing *Papiſtes*, againſt the Kingis Maieſtie, & Religion preſentlie profeſſed within this Realme; Is, and ſall be ane iuſt cauſe, to infer the paine and crime of treaſon, baith againſt the *Ieſuites*, *Meſſe Prieſtes*, trafficquing Papiſtes, and receipters of them. Providing howſoone the *Ieſuites* and *Seminarie Prieſtes*, ſatiſfies the Prince and the Kirk, the foreſaid penaltie na-wiſe to ſtrike againſt the ſaidis recepters.

121 Ra-

121 *Ratification of the act maid in* Februar *1587, In fauoures of the Miniſters, Their ſtipendes and rentes.*

OVR Soueraine Lord, and haill Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the act maid be his hienes, with aduiſe of the Lordes of ſecreit councel, ſeſſion and checker, vpon the xiiij. day of *Februar*, the zeir of God 1587 zeires; In fauours of the Miniſtery, their ſtipendes and rentes: And decernis and declaris, the ſamin to haue the ſtrength, force & effect, of ane law and act of Parliament, in al times cumming: And al judges within this Realme, to proceede, decide, and miniſter juſtice in all actiones & cauſes, concerning the ſaidis Miniſters, their aſſignationes, ſtipendes and rents; According to the forme, tenour and contents of the ſaid act in all pointes, quhairof the tenour followis. At *Edinburgh*, the xiiij. daie of *Februar*, the zeir of God, ane thouſand, fiue hundreth, fourſcore ſeuen zeires: Forſameikle as in the Moneth of *December*, the zeir of God, 1561 zeires, ſoone after the arriving of our Soueraine Lordis deareſt Mother, out of the partes of *France*, within this realme: Conſultation being tane be her Majeſtie, with the aduiſe of the Lordes of her ſecreit councell, and vtheris of the Nobility then preſent, anent the proviſion of the Miniſters, to reaſonable & competent livings and ſupport of the publick affaires of the realme: And to that effect, conference being had with the Prelates, and vtheris of the Eccleſiaſticall Eſtaite: Quhais offeres being heard and conſidered; It was concluded, decerned and ordaned; That gif the feird part of the fruites of the haill benefices Eccleſiaſticall, within this Realme, might be ſufficient to ſuſteine the Miniſters, throw-out the haill partes thereof, and ſupport of the Prince: To enterteine and ſet for-warde the commoun affaires of the Countrie: And failzieng thereof, the thrid part of the ſaidis fruites and mair: quhil it were ſufficient to the effect foreſaid, ſuld be zeirly vp-taken in time cumming, to be imployed to the twa vſes abone ſpecified allanerlie. And their after, in the Parliament halden the firſt zeir of our Soueraine Lordis reigne; It was ſtatute and ordaned, that the haill thrids of Benefices within this Realme, ſuld then inſtantlie in all times cumming, thereafter, firſt be paied to the Miniſters of the Euangel, and their ſucceſſours: And they firſt being anſwered of their ſtipendes, perteining to euerie ane of them, the reſt and *ſuper-plus*, ſuld be employed to our Soueraine Lordis vſe, quhair throw the ſamin become, as an inviolable law. And be vertew thereof, his hienes, & his vmquhile deareſt Mother, was in peaceable poſſeſſion of the ſaidis thrides of Kirkes and Friers landes: Swa that thereby the Miniſters of Gods word, was reaſonably provided and ane gude part of the publick affaires, honeſtlie ſuſteined. And albeit the plaine wordes of the ſaidis acts, manifeſtlie declaris the vſe, effect & mention thereof, to haue tended to na vther fine, bot that the Miniſterie ſuld be reaſonablie ſuſteined, and the charge of the publick affaires ſufficientlie entertained: Zit neuertheles, throw inoportune ſuites of ſum perſones, mair reſpecting their awin particular profites, then ather

the ſuſtentation of the Miniſters, or his Hienes honourable Eſtaite, & the cõmoun weil of the realme: His Hienes, & his vmquhile deareſt Mother, hes bene moved to make diſpoſition of the ſaid *ſuper-plus* in penſion, or to diſcharge and giue the ſame free, to certaine poſſeſſoures of benefices: Or to make tackes and aſſedationes of the ſame thrides, commoun Kirkes, Friers landes, and rentes thereof: Quhair-throw there remainis little or nathing to be diſponed on, ather to be modified, aſſigned and appoynted for livinges and ſtipendes, for ſik qualified perſones, as God may raiſe vp hereafter meete to enter in the function of the miniſterie, or to ſupplie the publick affaires of the Eſtaite of his Hieneſſe Realme.

For avoyding of quhilk inconvenientes; albeit diverſe revocations of the ſaidis giftes, tackes and diſpoſitiones, hes bene maid before, & namelie be his Hieneſſe vmquhile deareſt Mother, after her perfite age, in the Moneth of *September*, ane thouſand, fiue hundreth, three ſcore ſex zeires: And thereafter be his Hieneſſe, with adviſe of the Regentes for the time, in the Moneth of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth, three ſcore threttene zeires: As alſwa in the Parliamẽt, halden at *Edinburgh*, the zeir of God 1581, and 1584 zeires. And laſt of all, in the Parliament, halden after his Hienes perfite age of twentie ane zeires compleit, in the Moneth of *Iulij*, laſt by-paſt. By the quhilk revocationes, *reſpectiuè* foreſaidis; It is founden alſo be his Hieneſſe deareſt Mother, after her perfite age: As likewiſe be his Hieneſſe ſelfe, and three Eſtaites conveened in Parliament: That the ſaidis thrides of benefices, and *ſuper-plus* thereof, commoun Kirkes, Friers landes, and rentes being aſſumed and taken in his Hieneſſe handes, for ſuſtentation of the Miniſterie, and ſupport of the publick affaires, might not be diſponed nor giuen vtherwaies, but applyed to the ſame vſe and effect, that they were ordaned to, at the beginning: And that ſpeciallie, in reſpect that there can be na *ſuper-plus* of the ſaidis thriddes, vnto the time that the ſaidis Miniſters had bene ſufficientlie placed and provided of their ſtipendes: Quhilkis being variable from zeir to zeir, the condition alſwa of the ſaidis *ſuper-plus*, behooved to be incertaine, and conſequentlie culd not be diſponed but from zeir to zeir: And that after the ſaidis Miniſters aſſignation, and ſufficient proviſion of his Majeſties houſe, quhilk was ſpeciallie meaned and vnderſtand, vnder the name of the ſaid publick affaires: And therefore, all ſik giftes, Penſiones, tackes and diſpoſitiones of the ſaidis thrids, commoun Kirkes, Friers landes, and rentes thereof, granted be his Hieneſſe deareſt Mother, or be his Majeſties ſelfe; Or vtherwaies be his Regentes, alſweill confirmed in Parliament, as vn-confirmed, be expreſſe wordes of the ſaidis Revocationes confirmed in Parliament, ar decerned and declared to be of nane availe, force nor effect, but onie declatour or proceſſe of reduction, as the ſamin in them ſelues, at mair length proportis: Zit nevertheleſſe, the ſaid reuocation be the ſamin, as before hes bene euacuate and fruſtrate, & the ſaidis giftes and diſpoſitions

ones partelie ratified, in his Hieneſſe laſt Parliament, partlie renewed after his Hieneſſe perfite age, to the ſame perſones, and vtheris of the like qualitie, quhairthrow the firſt intention of the ſaid Actes, is likelie to be fruſtrate in all times cumming: Like as alſo, firſt be act of ſecreit councell, and nixt be acte of Parliament; It is ſtatute and ordaned, that al benefices of cure, vnder Prelacies, ſalbe preſented be his Hieneſſe, & the laïck patrones, in fauour of the able and qualified Miniſters, apt and able tó enter in that function, and to diſcharge the dewtie thereof: Quhilk in likewiſe, hes tane na effect: But contrair the expreſſe ſtatute and meaning thereof, the ſaidis benefices hes béne diſponed to bairnes, and vtheris perſones, altogether vnable for the ſaid office and function: Sumtimes be diſpoſition, and vtherwiſe be fraudfull reſignation, of the vſufructuares, with proviſion neverthleſſe, that theſamin ſall remaine with the vſu-fructuares, during their life-times, expres againſt all gude lawes receiued in ony aige of before: Swa that the onelie twa meanes of the advancement of the glorie of God, quhilk conſiſtis in the ſaidis thrides, commoun Kirkes, and diſpoſitiones of the ſamin ſmall benefices; Is be the malice of the inconſiderat perſones, alluterlie ſubverted, quhairby great confuſions hes entred, and diverſe inconuenientes like to follow, gif timous and ſubſtantious remeid be not prouided: FOR remeid quhairof, and reformation of the ſaidis abuſes of the thrids, commoun Kirkes, Frieres landes, and rentes; and reducing of the ſamin to their firſt inſtitution: OVR SOVERAINE LORDE, with adviſe of the Lordes of his Hieneſſe ſecreit councell, Seſſion and Checker, all in ane voice, findis and declaris, that the thrides of benefices, commoun kirkes, Friers landes, and rentes, being onelie deſtinat to the twa vſes abone ſpecified, according to the ſaidis actes of councell, Parliament and revocacation foreſaidis following thereupon, might be diſponed, giuen or employed na vtherwaies, bot to the ſaid vſe and effect, for the quhilk they were appoynted at the beginning. And ſiklike, that na penſions, tack or life-rent, of the ſaid *ſuper-plus*, or onie commoun Kirkes, micht or may be diſponed in time cumming, for onie langer ſpace, nor the ſpace of ane zeir: And that after the making of the zeirlie aſſignationes of the Miniſters ſtipendes, and ſufficient prouiſion, for ſuſteining of his Majeſties houſe zeirlie: And therefore decernis and declaris, all and quhatſumeuer penſions, life-rentes, and tacks, purchaſed, or to be purchaſed (Quhairby the ſaidis thrids, *ſuper-plus* thereof: or the firſt and beſt rentalles of the commoun Kirkes, Frieres landes, and rentes abone written, hes bene diminiſhed or altered, ſen the laſt aſſumption of the ſaidis thrides) granted ather be our SOVERAINE LORDIS deareſt Mother, or be his Hieneſſe ſelfe, to quhatſumeuer perſon or perſones, vpon wrang report and importune ſuites, without onie cognition, proceeding of the ſuſtentation of the Miniſters, within this realme, & ſufficient proviſiõ for ſuſteining of his Majeſties houſe, to haue bene from the beginning, and to be in all time cumming, of nane availe, force nor effect: Notwithſtanding

quhatſumeuer confirmation,or ratificationes following thereupon:and therefore ordanis the Collectour generall be himſelfe, his Chalmerlaines,and vnder-receiuers in his name;to aske,craue,receiue,intromet with,and vp take,all and hail,the thrids of benefices, within this realme, vnaſſigned to the miniſterie,togidder,with the hail cõmoun kirks,Friers landes and rentes thereof,quhair the firſt and beſt rentalles ar altered or diminiſhed, ſen the firſt aſſumption of the ſaidis thrides, of this inſtant croppe,& zeir of God 1587 zeires;And ſiklike zeirlie in time cumming, according to the rentalles maid compt of,in the zeir of God,1584 zeires, And laſt aſſumption thereof. And gif the ſaidis thrides be diminiſhed and hurt in onie wiſe, be the ſaidis laſt rentalles and aſſumption thereof, ſen the firſt aſſumption of the ſadis thrides, maid compt of, in the zeir of God,ane thouſand,fiue hundreth,three ſcore ane zeires: Ordanis the ſaid Collectour, to haue recourſe to the firſt aſſumption: Forſameikle as the ſamin ar diminiſhed be the laſt aſſumption : And to charge for the ſamin, without reſpect of onie penſion,tack,life-rent,or diſcharge of the ſaidis thriddes, *ſuper-plus*, or onie part thereof,or of the ſaidis commoun Kirkes, Friers landes,or rentes of the ſamin,altered or diminiſhed in the rentalles,ſen the firſt aſſumption of the thrides,as ſaid is. And ſiklike, ordanis, that the Lordes of councell and Seſſion , ſall na-waies grant onie ſuſpenſion or relaxation fra the horne, to onie perſon or perſones,charged or denunced for payment of the ſaidis thrides, commoun Kirkes,& vtheris foreſaidis, altered or diminiſhed fra the firſt and beſt rentalles, as ſaid is,quhill the ſũmes & victualles charged for , be firſt payed to the general Collector: Notwithſtanding of quhatſũeuer penſion,tack,liferent or diſcharge,purchaſed, or to be purchaſed of the ſaids thrides , Kirkis commoun landes,and frier landes,and vtheris rentes perteining thereto (quhair the firſt & beſt rentalles ar altered or diminiſhed,as ſaid is)of this inſtant crop,and zeir of God 1587 zeires: And ſiklike zeirly,and termely in time cũming:but that they halde, repute & eſteeme of the ſame,as nul in the ſelfe : & the ſaid nullitie to be receiued,alſweill be way of exception and action,but prejudice nevertheles of quhatſumeuer infeftmentes heretable,granted be our ſoueraine Lord, quhairby the cõdition of the ſaids thrids,ar altred or diminiſhed. And albeit the takmaid to the bairns lauchful & natural,of *Robert Erle* of *Orknay*, of the thrids of the Abbaie of *Halyrude-houſe*,fallis,& is declared null: Neuertheles,his hienes , willis & ordanis, *Adam* Biſhop of *Orknay*,now hauand the poſſeſſion of the ſamin thrids,be title of the ſaids bairnes,ſtil to poſſeſſe & bruik the ſamin thrids Attour the zeirlie ſumme paied furth of the ſame,to the miniſters of the kirkes of *Halyrude-houſe*, thir zeires by-gane: In conſideration that he hes transferred the richt of the warrandice,competẽt to him, in the perſõ of our Soveraine lord: for quhilk his hienes cõmands the ſaid Collector,to charge & make compt & payment this preſent zeir & crop,1587 zeirs,& in time cũming. Attour,his hienes,decernis & ordanis all giftes & diſpotiõs of benefices of cure,vnder prelacies,giuẽ or preſẽted, ſen his hienes

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Coronation, to ſik perſons as ar not in the function of the miniſterie, nor able to diſcharge the dewtie thereof, according to the act of Parliament maid thereanent: quhidder the ſaidis benefices vaikis be deceaſe, or dimiſſion, to bee likewiſe null fra the beginning; And to be in all time cumming, of nane availe, force nor effect: And the ſaid nullitie, to be receiued bee quhatſumeuer Iudge, alſweill be way of exception, as action, notwithſtanding, ony diſpenſation or act of Parliament, to be maid in the contrair: Exceptand alwaies, the Benefices diſponed to the Senatours of the College of Iuſtice, and quhilkis ar laick patronages, the ſamin being alwaies provided to qualified perſones; Conforme to the act of Parliament, maid thereanent: And the Arch-deanrie of *Saint-Andrewes*, provided to Maiſter *George Young*, his Hieneſſe Secretar depute.

122 *The mercattes quhilkis ar forbidden on the Sabboth-day, may be halden vpon the oulk dayes.*

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, decernis and declaris, that it ſalbe leſum to all Tounes and Parochiners to Landward, quhair mercattes of before were keeped and halden vpon the Sabboth-day (being now prohibite be the Law of God, and Lawes of this Realme, ſwa to continue) to elect and chooſe ony vther day in the oulk, for halding of the ſaidis mercattes, within the ſaidis tounes, and at Land-ward Kirkes, quhair they were accuſtomed to haue mercattes of before (not being the Mercatte day of the nixt Burgh) And there to buy and ſell vivers, and ſik vther commodities, as were vſed vpon the Sabboth day, without ſtop or impediment: Alwaiſe without prejudice of the richt and libertie of his Hienes free Burrowes: And that letters be directed thereupon, gif neede beis, in forme as effeiris.

123 *Quha hes not giuen Confeſsion of their Faith, ſall not enioy the benefite of the act of Parliament.*

OVR SOVERAINE LORD And Eſtaites, remembring the lait civill troubles within this Realme, and that for pacifieng thereof, there hes bene ſindrie gud conſtitutiones and actes of Parliament, maid and ſet downe: Sik as the act of Pacification, concluded at *Perth*, in the Moneth of *Februarie*, M.D. LXXII, thereafter ratified in the Parliament, halden at *Halyrude-houſe*, in the Moneth of *Aprill*, M. D. LXXIII zeires: The act of Abolition, in the Parliament, halden at *Linlithcow*, in the Moneth of *December*, 1585. zeires: And the act maid in the Parliament halden at *Edinburgh*, in the Moneth of *Iulij*, ane thouſand, fiue hundreth, four ſcore ſeuen zeires: Ratifieng the foreſaidis acts of Pacification and Abolition. Quhilkis haill actes and conſtitutiones, were onelie maid and granted, in fauoures of ſik perſones, quha profeſſed the trew Religion; As the ſamin is preſentlie profeſſed within this

Realme: And that hes acknawledged our ſaid Soveraine Lord, and his Hienes authority. And to the effect, that the benefite & commoditie of the ſaidis actes, be not extended in fauour of onie perſon or perſones, quha profeſſis not the trew Religion, as the ſamin is preſentlie profeſſed within this Realme, & hes not acknawledged our ſaid Soveraine Lord, and his Hieneſſe authoritie: Therefore our ſaid Soveraine Lord, with adviſe and conſent of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, findis, decernis and declaris, that the foreſaid act of Pacification, maid and concluded at *Perth*, and ratified thereafter in Parliament, as ſaid is: The acte of Abolition, maid at *Linlitbcow*, in the Moneth of *December*, ane thouſand, fiue hundreth, fourſcore fiue zeires: And the act maid in the Parliamẽt, haldẽ at *Edinburgh*, in the Moneth of *Iulij*, 1587. zeires: Ratifiand the ſaidis acts, with the haill eikes maid thereto, ar onely extending, & maid in fauour of ſik perſons, quha profeſſis the trew religion, as the ſamin is preſently profeſſed within this realme: & hes acknawledged his hienes authoritie: And that na perſõ nor perſons, quha wer forfalted cõvict of barratrie: or quha tint their benefics or penſiõs, *ipſo facto*, may be heard to ſeek the benefite of the ſaids acts, or ony of them: or to vſe onie reſtitution, or ratification therof, before that they profes the trew religion, as the ſame is preſentlie profeſſed within this realm, & acknawledge our ſaid Soueraine Lord, and his authoritie: And this act, not onelie to be extended againſt all perſons, quha hes bene forefaulted, convict of barratrie, and tint their benefices *ipſo facto* at onie time before the dait hereof: But alſo to all perſones, that ſall happen at onie time, hereafter, to be forefaulted, convict of Barratrie, or lauchfullie tine and amit their benefices and penſiones.

124 *Anent the dewtie of Schireffes & Iudges ordinar, their deputes & clerks.*

FOR Remeid of the great contempt, diſordour and wrang, quhilk hes bene in diverſe partes of this realme, in default of keeping and execution of the gude lawes and actes of Parliament maid of before, be the Schireffes, and vtheris judges ordinar, their deputes and clerkes: It is ſtatute and ordained, be our Soveraine Lord, with adviſe of his Eſtaites in Parliament: that the ſaidis Schireffes and vthers Iudges ordinar, alſweil to burgh, as to land, within regalitie as royaltie, do their exact diligence, tõ knaw and vnderſtand the lawes of this Realme, and actes of Parliament, quhairof the execution is committed to their charge: And that they put the ſamin in execution without delay, after the end of this preſent Parliament, ſpeciallie in ſearching, ſeeking, following, perſewing, apprehending, committing to waird, and preſenting to juſtice of declared traitoures and rebelles, contemnandlie remaining at the horne, and ſtandand regiſtrate in their awin buikes vnrelaxed, or in doing of juſtice, vpon them, gif they haue commiſsion to that effect: And gif they cannot apprehend the ſaidis traitours & rebelles, within the bounds of their awin jutiſdiction, to make denunciation to the Schireffes & judges ordi-

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nar, of the foure halfes about, that ſik perſons ar fled within their bounds, requiring them to vſe the like diligence, in ſearching & apprehenſion of them: as they wil anſwere to his Majeſty, at their perrel, & vnder the ſame paine, that the traitoures or rebelles hes incurred, in inquiring, ſearching & apprehending of ſornares, oppreſſoures, ſtrang vagabounds, & beggares, wandring athort the Realme, on pretenſe that they ar ſchip-broken or baniſhed for ſlaughter, or vther odious offenſes: Or ar of the diſſimulat thiefes and abuſers, calling themſelues *AEgyptians*. In execution of Iuſtice, in all civill cauſes belanging to their iudgement, without partialitie or needles delayes. In extracting of Proceſſes, decreets, & giuing of ſeaſinges and retoures, at reaſonable prices, without exorbitant extorſion. In bringing of their court buikes, with the compt of eſcheittes, & vnlawes, intrometted with be thē zeirlie, to the checker. In making of their deputes and clerkes, of men of beſt fame, knawledge, vnderſtanding and experience, that may and can vſe the office, quha ſalbe aſtricted to bring their regiſters, of ſeaſinges, horninges & regiſtrationes, to the checker, & his hienes Theſaurer, as is conteined and ordaned in the actes of parliament, maid there-anent of before. And that the ſaidis Schireffes & vther ordinar judges, may the better execute and do their dewtie in the premiſſes: Our Soveraine Lord, with adviſe of his Eſtaites in this preſēt parliament, ratifies and apprievis al liberties, priviledges, regiſtrationes, fees, & commodities, granted to them, their deputes & clerkes, be his Hienes, or his Progenitoures of before, they alwaies findand gud ſovertie, in his hienes nixt checker, for diſcharging of their office dewtifullie, & making of their cōpts zeirlie in the checker, at the diettes appoynted thereto: & that they ſall na-waies ſuffer them ſelues to be denunced to the horne, in default thereof: But that they ſal ſend their deputes, ane or maa, and clerk zeirlie at the firſt day of *Novēber*, to be examinat & admitted, be the lords of councel & ſeſſion, vnder pecunial paines, at the Lordes modification, to be paied be them, to our Soueraine Lordis vſe, incaſe of failzie, with certification to them, that gif the ſaid ſouertie be not found betuixt and the end of the nixt checker, they ſalbe denunced rebelles, & put to the horne: & thence furth, al his hienes ſubjects, within their juriſdictions ſal be exeemed fra their offices, & juriſdictiō: And attour declaris & ordanis al precepts furth of the Chācellarie vpon retoures to be paſt in the auld maner to the Schireffe, & vtheris judges ordinar, with the clauſe, *capiendo ſecuritatē*, vn-urgeand the partie with preſent payment, in-caſe the ſaid ſovertie be found as ſaid is.

125 The office of the Lyon *king of Armes: of execution of letters of treaſon: of the admiſsion and number of the officiares of armes.*

OVR Soveraine Lord, & Eſtaits of this preſent Parliament, conſidering the great abuſe that hes bene amangſt the lieges of this realm, in their bearing of armes, vſurpand to thēſelues ſik armes as belāgs not vn tō thē: ſwa that it cānot be diſtinguiſhed be their arms, quha ar gentlemē of bluid, be their anteceſſors: nor zit may be decerned, quhat gentilmen

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ar diſcended of Noble ſtock and linage. FOR remeid quhairof, his hieneſſe with adviſe of the ſaidis Eſtaites, hes giuen and granted: And be this preſent acte, giues and grantis, full power and commiſsion, to *Lyon* King of Armes, and his brether Herauldes, to viſite the haill armes of Noble men, Barronnes and Gentle-men, borne and vſed within this Realme: And to diſtinguiſh and diſcerne them, with congruent differences, and thereafter to matriculate them in their buikes and regiſters: and to put inhibition, to all the commoun ſort of people, nocht worthie be the Lawe of Armes, to beare onie ſignes armorialles: That nane of them preſume, or take vpon hand, to beare or vſe onie armes, in time cumming, vpon onie their inſicht or houſhald geare, vnder the pain of eſcheitting of the guds & geare, ſwa oft as they ſalbe found contravening this preſent act, quhair euer the ſamin armes ſalbe founden grauen and painted, to OVR SOVERAINE LORDIS vſe: And likewaies vnder the paine of ane hundreth pundes, to the vſe of the ſaide *Lyon*, and his brether Herauldes: And failzieng of payment thereof, that they be incarcerat, in the narreſt priſon, therein to remaine vpon their awin charges, during the pleaſure of the ſaid *Lyon*.

Execution of letters of Treaſon

ITEM, Becauſe charges of treaſon, hes not bene execute and vſed, with ſik ſolemnitie & Officiates of Armes, as the weichtines thereof requires: It is ſtatute and ordaned, that our Soveraine Lordis Theſaurer, and vtheris directers of ſik letters, deliuer them in time cumming, to be execute be the ordinar Herauldes and Purſeuantes, bearand coattes of armes, or Maſers, to bee vſed be them, as of before: And gif ony execution, vnder the paine of treaſon ſalbe execute vtherwaies, declaris the execution to be null, and of nane availe.

ITEM, In conſideration of the great abuſe of Meſſengers and of Officiares of Armes within this Realme, quhilkis for the maiſt part ar not qualified, for vſing of the ſaid office, being admitted be extraordinar and importune ſuites: be quhais abuſe, the Lieges of this Realme ar heavilie troubled & oppreſſed: Therefore it is ſtatute and ordaned, that the ſaid King of Armes, be adviſe of the Lordes of Councel and Seſſion, depriue and diſcharge, all ſik Officiares and meſſengers of Armes, as he ſall finde vnworthie of the office. And take ſicker ſouertie of the remanent, for obſeruation of their Injunctiones in time cumming: With power to the ſaid King of Armes, with adviſe of the ſaidis Lordes, to injoyne further neceſſar injunctiones to the ſaidis meſſengers, for keeping of gude ordour in their offices: diſchargeing him in the mean-time, to admit ony maa Officiares hereafter, quhill the haill meſſengers, preſentlie bearing armes, be reduced be death or deprivation, to the number conteined in the acte of Parliament, maid anent the confuſed number of Officiares of armes.

ITEM, Becauſe the juriſdiction of the *Lyon* King of Armes, is not able to execute dew puniſhment vpon all perſones, that ſall happen to offend in the office of Armes: Therefore our Soveraine Lord, with adviſe

vise of his three Estaits in Parliamēt, ordanis & cōmandis, al civill magistrats, as they salbe required be the King of armes, or onie vtheris in his name to concur with him, to see the acts maid in his fauours, of his office put to dew execution in their iurisdictiōs: As alswa to concur with him, to the punishment & incarceration of all sik persons, as sal vsurp the bearing of his Majesties armes, after dew deprivation, vnder the paine of rebellion, and putting of the disobeyers to his Hienes horne, with certificatiō to them and they failzie being required, letters salbe direct *simpliciter* to put them to the horne.

126 The names of all rebels suld be delivered to the Thesaurer, with all vnlawes. Names of all fugitiues.

BECAVSE, It is provided that criminall letters sall not neid to be registrat, bot to returne to the adjournal: Therefore ordainis & commandis the Iustice Clerk and his deputes within sexe dayes, after criminall Letters, with execution of onie persones at the Horne, beis returned to them, to deliver the names denunced, with ane breife note of the cause to the Thesaurer, or his Clerke, or Register, that letters for the vptaking of escheittes, of the persones denunced, may be directed and execute, with all expedition, as the said Thesaurer and Iustice Clerke, will answer to his hienesse, vpon their dewtie and diligence, That in Iustice courtes, or Iustice aires, the haill assise summound, being called out & the absentes vnlawed: The extract of the acte of the vnlawed, be deliuered to the Thesaurer, or his clerke, within sex daies thereafter, that letters bee directed thereupon, for vptaking of the saidis vn-lawes, without compositiō to be maid therefore.

And likewise quhair-ever onie persones, that hes fund sovertie to vnderly the Law, compeiris not at the day appoynted, and their-throw are decerned to be denunced rebelles, as fugitiues fra the law: The Iustice clerk or his deputes, sall deliuer the act of adjournall thereupon, with the precept to denunce the persones sa declared fugitiue, bee open proclamation, at the mercat-croce of *Edinburgh*, within sex daies, after they be decerned: quhilk denuntiation, our said Soveraine Lord, with his Estaits declaris and admittis, to be als lauchfull for intrometting with the escheittes, as gif the samin were maid at the mercat-croce of the head burrowes of the Schire, quhair the saidis rebelles dwelles: Bot the said horning sall not serue to put the inhabitantes of the saidis schires, in *mala fide*, toward the receipt, supplie, and inter-communing with the saidis Rebelles denunced, quhill the said denunciation of horning be vsed at the mercat-croce, of the head burrowes of the Schire, quhair the persones rebelles them selues dwellis; And that the Lordes of Councell and Session, grant na Letters of suspensiōn, vpon onie paines and vnlawes of liquidat summes, charged for be the Thesaurer, without consignation or gude souertie, in the in-partes of the Realme.

That *Lyon* King of Armes, within fiftene daies, after the publicatiōn of the Actes of this presēt Parliament, deliuer to the Thesaurer,

or his clerk, the names of the officiares ſtāding admitted, with the names of their cautioners: as alſo the names and cautioners of the deprived officiares in time cumming. That al exemptiones and licēces fra raides & assiſes, or for tranſporting of forbidden gudes (gif onie ſall happen to be granted) ſalbe ſubſcrived be the Theſaurer for compoſition to his Hienes vſe. And to be regiſtrat in the Theſaurers regiſter, to the effect he may be charged there-with in time cumming in his comptes, and that na ſik licences be warrand in judgement, or to the ſignet or privie ſeale, wantand the ſubſcription of the ſaid Theſaurer. And forſameikle as the care and charge of the receiuing and making compt of the Monkes portiones, firſt fruites & ſift-penny of benefices, is committed to the charge and diligence of his Hieneſſe Theſaurer. Therefore ordainis and commandis the ſaid Theſaurer, to make ane perfite rentell of the ſaids monks portions, firſt fruites, and ſift-pennie, and to charge and diſcharge him there-with in his comptes. And that hee may be the better acquented there-with; Ordainis all ſignatours of giftes and proviſiones to be paſt vpon onie part of the ſame, to paſſe his Hienes Theſaurers regiſter, & be ſubſcrived be the keeper thereof, before it be ſufficient warrand to the ſeales. OVR SOVERAINE LORDE, with adviſe of his three Eſtaites in Parliament, diſchargis all commiſſiones of Iuſticiarie granted be his Hienes of before, & nane to be granted in time cumming generally; or for langer ſpace, nor the earand in hand, may be conveniētlie perfited, and that vpon caution to produce the proces, and pay that pairt of the commoditie, quhilk be the commiſſion is deſtinate for the Kingis vſe.

Licences

Monkes portiones

Commiſſiones.

127 Allfew-fermes and confirmationes of the Kingis propertie, nocht paſt with conſent of the Comptroller, ar null.

ANENT The complaint given to his Majeſtie and eſtaites of Parliament, be his Hienes Cōptroller, makand mention, that diverſe & ſindrie infeftmentes of his Hieneſſe propertie, hes paſt the ſeales without the ſaid Comptrollers knawledge or conſent, quhairthrow he is not able to knaw his majeſties tennentes, nor their zeirlie dewtie. For remeid quhairof, our Soveraine Lord, and eſtaites of this Parliament, declairis and ordainis all infeftmentes of few-ferme, or confirmationes of the propper landes perteining to his Hienes Crown, that are made ſen the entrie of this preſent Comptroller to his office, or to be maid in time cumming, without the expreſſe conſent & knawledge of the ſaid Comptroller the time of the making thereof, and ſubſcription of his hand, and paſſing his Regiſter, quhairby the eſtait of the ſaides Landes ar onie wiſe altered or innovate, to bee null and of nane availe, in all time cumming, albeit the ſame be paſt throw al the ſeales. Becauſe the Cōptroller ſuld knaw quhen onie tennentes is altered or newlie entered to the Kinges propertie, and that the wanting of the Comptrollers ſubſcription to the ſignatour

natoures, quhilk is the warrand of the ſaid originall Chartour, ſalbeane ſufficient cauſe of reduction.

128 For the better keeping of the Kingis Parkes.

OVR SOVERAINE LORDE, with adviſe of his Eſtaites, conſidering the great skaith done to his Parkes and Forreſtes, be the libertie that everie man vſurpis, be the in-putting of all kinde of gudes in them, but ony licence, had and obteined thereto: Quhairthrow the ſaidis Parkes and Forreſtes ar alluterlie deſtroyed and maid vnprofitable for his Majeſties vſe: Therefore it is ſtatute and ordaned, that quhatſum-euer gudes, not in-put be the Comptroller, or onie hauande his power, ſall be at onie time after this preſent Parliament, found paſturing within onie his Majeſties Parkes and Forreſtes; It ſalbe lauchful to the Comptroller, or onie havand our Soueraine Lordis power, to intromette-with the ſamin eſcheitte, and in-bring them to his Maieſties vſe, without onie danger of Law, or perrell to follow there-vpon. And that letters be direct herevpon, be the Lords of ſecreit Councel, Seſſion or Checker: Chargeing al and ſindrie, within ten daies warning, to redd and remoue their haill gudes out of the ſaidis Parkes: With certification and he failzie, the ſaid ten daies being by-paſt, they ſal be eſcheitted and in-brocht to his Majeſties vſe and behooue: And that publication bee maid hereof at the Paroche Kirkes, and mercat-croces of the Burrowes nixt adjacent, to the ſaidis Parkes and Forreſtes.

129 Anent the cuſtome of Engliſh *gudes, and ſearching of gudes cuſtomable.*

ITEM, OVR SOVERAINE LORD And Eſtaites of this preſent Parliament, ratifies, apprievis and confirmis, the act of ſecreit Councell, maid vpon the penult day of *Februar*, ane thouſand, fiue hundreth, four ſcore nine zeires; Anent the bringing of all packes of *Engliſh* claith, hail, vn-broken-vp to the Cuſtome-houſe, and ſelling thereof, in maner cõteined thereintil, in al poynts, artickles & clauſes, *reſpectiuè* ſpecified in the ſame, with this addition: That na maner of perſones, take vpon hand, to houſe, hide, or conceale ony maner of *Engliſh* gudes, ather cummand be Sea or land, in onie burgh or ſuburbe of this Realme, vnder the paine of confiſcation of all the gudes, ſwa hid and concealed, in defraud of the dew Cuſtome, quhair-euer the ſamin can be apprehended. And incaſe the ſamin be not apprehended, the awners to make the avail thereof foorth-cummand to his Majeſtie as eſcheitt, after tryal tane thereintill as effeiris: And alſwa for the better execution, to ordane ilk Cuſtomer, to ſearch within the bounds of his office, al maner of houſes & buithes, alſweil to burgh as to land, & to eſcheit, confiske & intromette-with al maner of vncuſtomed *Engliſh* guds, & al *Engliſh* claithes vnſealed,

and

and gif neede beis, to make open durres, and vther lock-faſt lumes, and to vſe his Majeſties keyes to that effect: And in-caſe onie perſones reſiſt be force, to make open and patent durres to the ſaid cuſtomer, for the effect foreſaid; The perſones reſiſters, to be vnder the like danger, as the committers of the deforcementes, and to be puniſhed in their perſones and gudes, conforme to the acte maid thereanent: Ordaning alſo the Proveſt, Baillies and Magiſtrates of ilk burgh, gif neede beis, to concur and aſſiſt, with the ſaidis Cuſtomers, in execution hereof, ſwa oft as they ſalbe required thereto.

130 *Anent ratificationes paſt in this preſent Parliament.*

THE Kingis Majeſtie, and Eſtaites of this preſent Parliament, decernis and declaris, that the ratification of onie particular richtes, infeftmentes, tackes, penſiones, or otheris writtes and evidentes, granted to quhat-ſumeuer perſones in this preſent Parliament: Sall nawaies prejudge, hurt, nor derogate the particular richtes of vther parties: Notwithſtanding they be not ratified nor confirmed at this time, be his Hieneſſe, and his ſaidis Eſtaites.

AND Mairouer, it is ſtatute and ordaned, be our SOVERAINE LORD, and his Eſtaites, in this preſent Parliament: That albeit ſindrie ratifications be paſt & pronunced in this preſent Parliamēt, in the favour of ſindrie of the Eſtaites, or priuate perſones, vpon ſimple Articles: As alſwa ſum fauoure granted to the vaſſalles of perſones forefaulted in the ſame Parliament, and to the Burgeſſes and inhabitants of *Edinburgh*, being infeft in landes, or annual-rentes, annalied to them, be onie of the the ſaidis perſons, now forefaulted, or their predeceſſoures, vnder reverſion: zit ſall not the ſame ratificationes be regiſtrat in the Parliament buik, nor haue effect without the ſignatoures of infeftmentes, or articles granted or ratified, be ſubſcrived be his Hieneſſe Theſaurer, or his ticket ſent to the Clerk of Regiſter, teſtifiand the Theſaurer to be ſatisfied, that his Majeſties commodity may be reſpected, as apperteinis: And that betuixt and the firſt day of *Auguſt* nixt-to-cum: vtherwaies the ſaidis ratificationes to be nu'll, as gif they had not bene granted, nor pronunced in Parliamēt: And that the trew rentalles of things ratified to burrowes, Colleges, or Hoſpitalles, be preſented to his Hieneſſe and his Councel, betuixt and the ſaid firſt day of *Auguſt* nixt-to-cum: With a declaration how the ſamin is imployed, vther-waies the ſame ratification to be null.

131 *Anent the production of rentalles and fewes.*

FORSAMEIKLE As in our SOVERAINE LORDIS vmquhile deareſt mothers time, the thrides of al benefices within this realme, was be Act appoynted to the ſuſtentation of her Majeſties houſe,

and

of her Hienes ſucceſſours, ſa farre as happened to reſt frie thereof, by the ſuſtentation of the Miniſterie, within this Realme. And ſik-like, OVR ſaid SOVERAINE LORDIS, his ſaidis vmquhill deareſt mother, and vthers his Hienes Predeceſſours of gud memorie, hes founded confirmed and augmented diverſe Hoſpitalities within this Realme, with the giftes and donations theirto, quhilkis his Majeſtie is willing to ſtand for ever, without onie hurt or derogation: as alſwa in the lait Parliament, halden at *Edinburgh*, in the moneth of *Iulij*, The zeir of God, an thouſand, fiue hundreth, foure ſcore ſevin zeires; The hail temporall Eccleſiaſticall Lands of his Realme, are annexed to his Hienes Croun, and his Majeſtie ordained to haue preſent poſſeſſion theirof, payand to the lyfe-renters pennie for pennie, & boll for boll. And becauſe his Hienes cannot vnderſtand quhat courſe to follow-out, anent the premiſſes, and cannot knaw perfitelie quhat the ſaidis thrids will extend to, nor quhat wil be the rent of the ſaidis Hoſpitalles, nor quhat preſent commodities will fall to his Hienes, be the ſaid act of annexation, nor how the Miniſterie of this Realme, ſalbe dewlie provided, according to his gud will, minde and intention, without his Majeſtie and his Hienes commiſſioners, to be appoynted to that effect, haue the ſicht of the rentalles of all Biſhopprickes, Abbacies, Priories, Proveſtries, Perſonages, Vicarages, Altarages, Chaplanaries, Templaries, and vtheris Benefices: And of all Maiſon-dieus, & Hoſpitalles, within this Realme, & of the rents thereof, foundationes of the ſamin: And of all thinges founded, given and mortified thereto; And of all infeftmentes, tackes, titles, richtes and ſecurities, maid to quhatſum-euer perſon or perſones, anent quhatſum-euer Kirk-landes, Temple-landes, teindes, and vtheris Eccleſiaſticall rentes and poſſeſſiones quhatſum-euer. Therefore it is ſtatute and ordaned, be his Hieneſſe, with adviſe of his Majeſties Eſtaites, in this preſent Parliament; That all and ſindrie perſones within this Realme, as they ſalbe charged thereto, in ſpeciall or in generall, be open Proclamationes, at the head Burrowes of the Schires quhairin they dwell; compeir, bring, and produce with them, before his Hienes Commiſſioners, ane or maa, to be appoynted be his Majeſtie to that effect; Sik day and place, as ſall be appoynted to them to that effect, vnder the paine of rebellion; and putting of them to the horne: with certification to them and they failzie, that they ſalbe put thereto, and to put them to the ſame, in-caſe of failzie; The rentalles of the ſaidis Biſhopprickes, Abbacies, Priories, Proveſtries, Perſonages, Vicarages, Altarages, Chaplanaries, Templaries, and vtheris Benefices: And of all Hoſpitalles and Maiſon-dieus within this Realme, and of the rentes thereof, foundationes of the ſame: And of all thinges, founded, given and mortified thereto; And all and quhatſumeuer infeftmentes, tackes, titles, richtes and ſecurities, maid to them, anent quhatſum-euer Kirk-landes, Temple-landes, teindes, and vtheris Eccleſiaſticall rentes and poſſeſſiones quhatſum-euer: And all richtes & titles, that they or onie of them, may pretend thereto. And to deliuer

to the saides Commissioners inspection of the same, and the authentick copies theirof: With certification, and they failzie, letters sall be direct *simpliciter* as said is.

132 *Anent the Iurisdiction, presentation, qualities and age of the Lordes of Sessjon.*

BECAVSE The Nobilitie, Erles, Lords, and Barrones, auncient heritoures of landes, livinges, and possessiones, vnderstoode the institution of the College of Iustice, and Lordes of Session, to haue bene fra the beginning, for decision of all civill actiones; vnto the quhilk decision their haill heritages, livinges, Landes, and possessiones are subject: And that his hienes Progenitours institute the said College of cunning and wise-men: Quhilk his Majestie willing to continew, according to his for-bearis gud intention: And to foresee the corruption increasand in the said College, in this latter and declining age, declairis his Hienes minde be Acte of Parliament: That in all times hereafter quhen onie place suld vaik in the Session; That his Majestie suld present & nominate thereto, a man fearing God, of gud literature, practik, judgment, and vnderstanding of the Lawes, of gud fame, having sufficient living of his awin: And quha culd mak gud expedition, and dispatch in matters tuitching the lieges of the Realme. And zit that it is required, that his Hienes gude intention be mair speciallie expressed toward the complaint of cheising of zoung men, without grauitie, knawledge, and experience, vpon the saide Session, not hauing sufficient living of their awin.

THEREFORE OVR said SOVERAINE LORD, with advise of the Estaites of this present Parliament, declairis that nane sall be receiued to ane place of ane Senator in the College of Iustice, except he be sufficientlie tryed and knawin be his Hienes and haill Lordes of the Session: That the said person, to be presented and receiued, haue in zeirlie rent, properlie perteining to himselfe, the summe of ane thousand markes vsuall money of this Realme, or els twentie chalders of victuall: and that his experience, qualitie, and conversation, may be the better tryed, that he be of the age of twentie fiue zeires at the least compleit, in all time cumming, vtherwise his presentation and admission to be null, annulland all presentationes, given and granted be his Majestie, sen his Hienes Coronation, to quhatsumever person or persons, not beand of the age foresaid: ratifiand nevertheless and apprievand alwaies all actes maid be his Majesties predicessours, and his Hienes selfe of before, vpon the institution of the said College, and reformation of the abuses theirof.

133 *Touching the authentick daiting and regiſtring of ſignatoures.*

OVR SOVERAINE LORD with the adviſe of his Eſtaites, hes ſtatute and ordaned; that na ſignatoures ſall paſſe the Regiſters, of his ordinar officiares of eſtaite vnder-written: Except the dait thereof be filled vp with the handes of the Theſaurer, Collectour, Comptroller, Theſaurer of augmentations & Secretar, or their principal clerks awin handes: And that the regiſtration of the Signatour, or letter beare not onelie vpon the back of it (regiſtrat) But the daie and dait of the regiſtration, with the number of the leaues of the buik, quhairin it is regiſtrat; Quhilk buik, ſalbe marked be the hande of the Clerke of Regiſter, or his depute conſtitute to that effect. And ſik-like, that the keeper of the Signet, ſal write on the back of the Signatour, the ſpeciall day that he affixt the Signet: And the writer, keeper of the priuie ſeale, ſall write likewiſe vpon the back of the letter, the daie that he writes, & paſſis the ſame the privie ſeale. Quhilks warrãds ſwa marked, ſalbe maid furth cũmand to onie partie intereſſed, for tryall of the ante-dait, be the keepers of the ſignet and privie ſeale; And that the tryall of the ſaidis ante-daites, ſall not be receiued, without verie great adminickles, and certaine circumſtances of falſed: And that the ſũme conſigned for improbation be maid verie great; The forme of the improbation ſall onelie be receiued be the writers of the Signatoures, the principall Officiares, their deputes or Clerkes, keepers of the Regiſters, keepers of the ſignet, priuie ſeale, and their ſervandes, writers of the precept, and writers to the great Seale, and keepers of the ſame, and na vthers. And the puniſhment of ſik falſed, gif onie beis found and tryed, ſalbe puniſhed with the paine of falſed and leſe-majeſtie: And three partes of the landes and gudes of the offender, to be adjudged to the King, and the fourth part to the partie grieved.

134 *For eſchewing of falſettes in reduction of decreetes of Redemption.*

OVR SOVERAINE LORDE And Eſtaites of Parliament, vnderſtanding that the fabricating, forgeing and deviſing of falſe evidentes & writes, within this realme, produced, & furniſhed innumerable and infinite actiones and pleyes amongſt his lieges, to the hurt and prejudice of his Hieneſſe faithfull and trew ſubjectes: For remeid and eſchewing quhairof; OVR ſaid SOVERAINE LORD, with adviſe and conſent of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, findis, decernis, and declaris, that it ſall not be leſum to ony perſon or perſones within this Realme, their aires and ſucceſſoures: Or vtheris perſones quhatſumeuer, having richt proceeding fra them, to perſew for reduction, or vtherwiſe to call in queſtion ony decreete of

redemption of lands,teindes,Coales,Coale-heuches,wooddes,milnes, Fiſchinges,Caſtles,Toures,Fortalices,or onie part thereof, obteined at the inſtance of quhatſum-euer perſon or perſones, againſt quhatſumeuer perſon or perſones,at onie time,before the dait hereof, be vertew, or vnder pretext of quhatſumeuer diſcharges of reverſion or reverſions,poſteriour infeftments,or vtheris contractes quhatſumeuer,quhilks may evacuate and take awaie the ſaidis decreetes of redemption, or ony of them ; And this acte onelie to haue place in decreetes of redemption,proceeding vpon lauchful premonitiones,maid be the parties lauchfull contradictoures , quhilkis were alſo dewlie ſummound, to the giving of the ſaidis decreetes; And for obedience thereof, hes lauchfullie renunced the landes, and vtheris ſpecified in the ſame decreetes of redemption: and quha hes bene at ſindrie times ſummound, and conveened before the Lordes of ſeſſion, at the inſtance of his hienes Advocates and parties for their intereſt, for production and improbation of al diſcharges of reverſion or reverſiones,poſterior infeftmentes,vthers rights & ſecurities quhatſumeuer: Quhilks might prejudge or make derogation to the reverſion or reverſiones,quhairupon the ſaidis decreetes of redemption, or onie of them hes followed, and produced na diſcharges, poſterior infeftmentes,norna vtheris writtes, quhilkis might reduce or take awaie the ſaidis decreetes of redemption: or prejudge, or make derogation,to the reuerſion or reuerſiones, quhairupon the ſaidis decreets of redemption,or onie of them proceeded: Swa that the ſaidis perſones, lauchfullie warned & ſummound, in maner foreſaid, might pretend na ignorance of the ſaidis decreetes of redemption.

135 All annuall-rentes may be redeemed,be fulfilling of the pointes of the reverſion and payment of ten for the hundreth.

OVR Soveraine Lord, and three Eſtaites, ſtatutis & ordainis,that it ſalbe leſum to all perſons quhatſũeuer, alſweil minors,as majors,addetted in payment of zeirlie annualls,quhilks ar redemable,to redeme al annualles;ather victual or ſilver, ſauld or annalied be their predeceſſors, furth of ony part of the lands,in time bygan,be paimẽt or conſignatiõ of the principal ſũme,cõteined in the reverſion or reverſiõs: togidder with the by-runne annualles thereof: Quhilkis by-run annualles,his hieneſſe and Eſtaites, liquidatis and modifies,to ten markes for euerie hundreth markes allanerlie: Finding and declaring the redemption of the ſaidis annualles,to be lauchfull be payment or conſignation of the ſaidis prinpall ſummes;togidder with ten markes for everie hundreth marks thereof,for the by-run profites of the ſame,conforme to the infeftments maid thereupon; Nothwithſtanding quhatſumeuer contractes, bandes,obligationes infeftmentes,decreets,or vthers ſecurities quhatſumeuer, maid to them of greater annualles,nor ten markes for the hundreth markes: to the quhilkis, and euerie ane of them, this preſent acte makis derogation, in ſa far as the ſame may be extended to the ſaidis zeirlie annualles.

136 New bowndand infeſtmentes preiudgis noeht onie perſon anent their meithes and marches

IT IS Statute, ordained, & decerned be his hienes and eſtaites of this Parliament, that the bounded infeftmentes quhatſumever, ather granted or to be granted, be our ſaid Soveraine lord, or onie of his ſucceſſors, or be onie vther ſuperior to his awne heritable tennent, be the ſaid heretable tennentes reſignation; Albeit the ſame conteine ane new gift with ſuppliement of all faultes, (quhilk onlie reſpectis the ſuperior, grantand the ſaid infeftment, and na wiſe ſuld be extended to the prejudice of the third perſone) that the ſaid infeftment paſt vpon the reſignation of the tennent, ſall woork na prejudice anent the bounds or marches, ather in property or commontie to ony vther perſon, bot the queſtions ariſing vpon the richt and poſſeſſion of the ſaid propertie and commountie, ſal be determined and iudged be the Lordes of Councel and vthers inferior Iudges, and Miniſters of the Lawes in the ſame ſort and maner, as gif there were na mention of boundes and marches, conteined in the infeftment paſt vpon the ſaid reſignation.

137 Penſiones not authorized be decreet nor poſſeſſion are null.

FORSAMEIKLE As there being diverſe penſiones, alleged diſponed furth of the benefices and prelacies of this Realme, to the great hurt and prejudice thereof, and the ſucceſſours, allbeit na poſſeſſion is followed nor comprehended therevpon in the prelates lyfetime alleged diſponers theirof, quhair-throw the ſamin fallis of the Lawe & manifeſtlie appearis to be bût forged & counterfaict titles. And be reaſon of the corruption of this time and the great hurt and prejudice of OVR SOVERAINE LORD, and the Succeſſours ſuſteined thereby: It is ſtatute and ordained be the late Acte of Parliament made anent annexation of Kirke-Landes to OVR SOVERAINE LORDE, that quhatſumever penſiones, diſponed furth of the prelacies, and neither authorized with decreetes nor poſſeſſion before the ſaide Act, ſuld fall and be null of nane availl, force nor effect. Quhilk Act his Hienes with adviſe of the haill eſtaites, ratifies, apprievis, confirmis, and declairis: and ordainis, that al and quhatſumever penſiones, alleged to de diſponed furth of prelacies, and nather authorized be decreet nor poſſeſſion, quhidder the ſame be of the ſpirituality or temporality, quhair vpon neither decreet nor poſſeſſion hes followed, in the prelats lifetime, and before the ſaide acte of annexation, ſalbe nul and of nane avail, force nor effect, in al time bygane, and to-cum.

138 *Againſt vnlawchfull conditiones in contractes or Obligationes*

AS IT IS not leſum to vſe and commit vſurie: ſa it is not leſum to onie privie man, be his awen invention and authoritie, to aſtrict or burden onie of our Soveraines Lords lieges, with vnlauchfull and inpoſſible conditiones againſt all Law, equitie, reaſon and gud forme, albeit their neceſſitie for the time, conſtraine them to zeild thereto; as quhair ſum perſones gives foorth their money vpon profite, vpon contractes or obligationes, they provide that the parties receiuers thereof quhair ſoever they dwell, in farreſt partes of the Realme, ſalbe charged to make payment, only be open proclamation, at the mercat Croce of *Edinburgh* vpon ſa ſchort and ſuddaine warning, as probablie and poſſiblie, it cannot cum to the knawledge of the perſones ſwa charged. And that the denunciation of the horning ſalbe at the ſamin mercat croce, and the horning regiſtrat in the ſhireffe buikes of *Edinburgh*, makand the ſamin als lauchfull, as gif the perſones were charged perſonally, or at his dwelling place: And the execution of horning, vſed at the mercat Croce of the head Burgh of the ſchire, quhair the parties dwellis: And the horninges regiſtrat in the ſhireffe buikes theirof, to the great hurt and prejudice, not onelie of the parties ſa denunced: Bot of our Soveraine Lord, and his Lieges, to quhais knawledge probablie the ſaides denunciationes of hornings cannot cum.

THEREFORE his Hienes with adviſe of his Eſtaites in Parliament, ſtatutes, ordainis and declairis, that na ſik vnlauchfull and vnpoſſible conditiones, be made in contractes or obligationes, amanges onie of his Hienes ſubjectes in time cumming. And in-caſe onie denunciationes of Horninges, ſall happen to be made at the ſaid mercat Croce of *Edinburgh*, only vpon charges vſed thereat, proceeding vpō the vnlauch full and impoſſible conditiones abone ſpecified: The ſame charges and denunciationes of horning, ſall not be repute lauchfull. Bot the parties vſers theirof ſalbe charged, to cauſe charge and denunce of new, according to the forme, vſed and obſerued be the common Law, and conſuetude of the Realme.

139 *That the copies of letters or charges be ſubſcrived be the executor theirof.*

ITEM, It is ſtatute and ordained that in all time cumming, all copies of ſummounds and letters, quhilkis ſalbe delivered to onie partie, be ſubſcrived be the officiar executor theirof.

140 *Na perſon may be denunced rebell vpon letters charging all and ſindrie generallie.*

IT IS Statute and ordained in time cumming, that na charges nor letters of horning ſall be generallie directed, againſt all and ſindrie, except it be againſt ane Burgh, College or Cōmunitie quhilk repreſentis an body

bodie; at the leaſt, it ſal not be leſum to denunce onie particular partie to the horne, vpon ſik generall letters, except git the ſaid partie be firſt lawfullie and ſpeciallie called, to heare and ſee the ſaidis letters, direct againſt him, for a ſpeciall and certaine dewtie or fact: And for this effect, that all giftes of penſione, Monkes portions, Miniſters aſſignationes of thriddes *&c.* The ſpeciall landes, names of the tennentes, and quantitie of the dewties, aſſigned, aſſumed or diſponed, be particularlie cõteined: and that an dewtie be not diſponed to twa ſindry parties, quhilk is *Crimen Stellionatus* of the Law: Providing it ſall be leſum to onie beneficed man, to ſeeke generall letters, conforme to his proviſion, to corroborate the ſame, and to ſerue for ane publication and intimation thereof: Bot nawaies to ſerue or be ſufficient, to denunce onie man to the horne, not beand ſpeciallie called, and his dewtie expreſſed therein, as ſaid is.

141 *That compenſation* de liquido ad liquidum *be admitted.*

OVR SOVERAINE LORDE And Eſtaites of Parliament, ſtatutis and ordanis: That onie debt *de liquido ad liquidum* inſtantlie vereſied be writ, or aith of the partie, before the giving of decreete, be admitted bee all judges within this Realme, bee way of exception: Bot not after the giuing thereof, in the ſuſpenſion, or in reduction of the ſame decreete.

142 *Damnage and expenſes of pley, ſuld be modified be the Iudges.*

ITEM, It is ſtatute and ordaned, that damnage, intereſt, and the expenſes of pley, maid and ſuſtcined be the parties altogidder admitted, and liquidat be the decreet, before all judges within this Realme: And ſpeciallie quhen as the libel, claime or petition ar proven be writ, conteinand damnage, intereſt and expenſes, and vpon regiſtrat bandes, obligationes, and contractes, ſummoundes bearand for the coſtes and skaithes, quhilk will ſtay parties to be wil-full and obſtinat pleyares. And this to be extended alſweill to the defenders obteinand abſoluitour; as to the parties perſewares, obteinand decreete condemnitour.

143 *That obteiners of giftes of eſcheittes, pay the debt conteined in the horning, quhairupon the gift proceedis.*

ITEM, It is ſtatute and ordaned, that all intromettours with onie mans eſcheitte, be gift, aſſignation, or vtherwiſe, takis poſſeſſion of onie part or portion, of the denunced perſones landes, gudes or geir in ony wiſe, ſalbe halden to pay the debt, conteined in the horning, quhair-upon the gift of eſcheit proceeded and fell; And that letters be direct ſummarlie, againſt the donatoures aſſignayes, or intromettoures, with onie part of of the eſcheit, at the parties inſtance, vpon ſex daies warning, to heare the ſamin decerned, or elſe to allege ane cauſe quhy.

144 For punishment of the receipters of traytoures and rebelles.

IT IS Statute and ordaned be OVR SOVERAINE LORD, With advise of his Estaites in this present Parliament: That all former lawes and actes of Parliament maid of before, against the receipters of Traitoures and Rebelles, and punishment of them quhilk contemnand-lie remainis at the horne, salbe put to dew execution in all pointes. And speciallie, quhair ever onie declared Traytoures or rebelles repairis in onie parte of this realme, nane of our SOVERAINE LORDIS lieges, sal presume to receipt, supplie, or intercommoun with them: or to giue them meate, drinke, house, harberie, or onie reliefe or comfort, vnder the same paine, for quhilk they ar fore-faulted, or put to the horne: And that immediatly vpon knawledge of their repairing in the bounds, that all his Hienesse obedient subjectes, do their exact diligence at the vtter-maist of their power, in searching, seeking, taking and apprehending of the saidis declared Traitoures and Rebelles, and presenting of them to Iustice: Or in following of them, quhill they be taken or expelled, and put foorth of the Schire: And immediatlie to make intimation to the Magistrates and persones of power and authoritie in the nixt Schire: Quhilk salbe halden to do the like exact diligence without delay, And sa fra Schire to Schire, quhill they be apprehended and brocht to justice, or expelled and put foorth of the Realme. And further, quhen euer onie maner of traitoures, rebelles, or vnknawin men, vagaboundes, happenis to repaire in the Countrie, all his Hienesse Lieges, knawing them, or amangst quhom they resort, sall with all possible speede certifie his Majestie, or sum of secreit councell, or sum of the chiefe persones of authoritie and credite, dwelling within the same Schire: That sik persons (gif they be knawen) ar within the same: And gif they be vnknawen schawand their takens, and for what cause they pretend themselues to be wandring athort the Cuntrie, or lurking in onie part: vnder the pain, that the Traytoures, Rebelles and vagaboundes, aucht to haue susteined in bodies or gudes them selues, in-case they had bene apprehended, presented and convicted be iustice.

145 Anent the escheittes of Rebelles.

OVR SOVERAINE LORDE, With advise of his Estaites in this present Parliament, statutis and ordanis, that na assignation, or vther evident alleged maid in defraud of the creditour, sall be a valiable title to persew or defend with, gif it salbe then in stantlie verefied bee writ, that the cedent remainis Rebelle and at the Horne, for the same cause vn-relaxed: Nor na gift of escheitte, assignation or vther richt, proceeding thereof, alleged maid in defraude of the creditour, and in fauour

of

of the rebell, ſalbe valiable title to perſew or defend with, gif it ſalbe then inſtantlie verefied be writ, that the rebell remainis ſtill at the horne, for the ſame cauſe; As alſwa it ſalbe an releuant exceptiõ, againſt ony pretending title thereto, be aſſignation or gift of eſcheit of the rebell, to allege that the ſaid rebel himſelfe, his wife, bairnes, or neare friends remainis in poſſeſſiõ of his tackes & gudes, to his awin vſe & behooue. And incaſe eſcheittes or life-rents ſal happen to be giuen ony vtherwaies, nor to the behooue of the party offended: the Theſaurer ſalbe halden to make the diſpoſition to an reſponſal perſon, quha ſalbe debtor to the partie, at quhais inſtance the horning is led for his debt: Or the Theſaurer (gif he thinkis gud) ſal take gud ſufficient caution for his reliefe: And incaſe the donatour ſall not be found reſponſall in landes or guds: Our Soueraine lord, with adviſe of his Eſtaites, declaris the gift to be null. And becauſe perſons cõvict, or ſtanding rebelles for treaſon, murther, ſlauchter, or vthers odious crimes, cõmounlie hes the fruition of their guds, debts, tacks, ſtedings & poſſeſſions, their houſes ſtil bruiked & poſſeſſed be their wiues, bairnes, or tender friendes, to the defraud of the law, of the profite of the Croun, and encourageing of wicked men, after committing of miſchieuous deedes; And that vnder pretenſe & coullour of fraudfull diſpoſitiones or aſſignationes, maid be their ſelues, or giftes of their eſcheittes, ſimulatlie purchaſſed or transferred in fauour of thẽ ſelues, their wiues, bairnes, tender friends, or weil-willers, to their commoditie & behooue, for remeid quhairof, our Soverain lord, with adviſe of his eſtaites, ſtatuts & ordanis; That the ſaidis fraudful & ſimulat diſpoſitiones of eſcheittes, or ony thing following thereupon, ſal not ſerue to nuriſh & ſuſteine the ſaidis traitoures & rebelles, in their contempt & rebellion: but that it ſall be lauchfull to his Hienes & his Theſaurer, to intromet-with, & vp-take the ſaidis eſcheit gudes, geare and debts, remaining in the poſſeſsion of the perſon be quhais deede and occaſion it fell: Or of his wife, bairnes, familie, or tender friendes quhatſum-euer, vpon the ground, and within the houſe occupyed and poſſeſſed be him, before he was declared, or put to the Horne; Or in-caſe hee haue bene receipt in the ſame houſe at onie time after his forefaltour, or denunciation to the Horne: notwithſtanding onie fraudfull diſpoſition or aſſignation, or ſimulat gift or richt of eſcheitt purchaſed of the ſame, in fauour, or to the behooue of the ſaidis Traitoures or Rebelles of before, quhair-throw the houſes and poſſeſſiones of the ſaidis Traitoures and Rebelles, ſall na-waies bee ſuffered to cum to their vſe or commoditie, directlie, or indirectlie, during the time of their Rebellion; And the vp-taking of the ſaidis eſcheitt gudes and debtes, and labouring of the ſaidis tackes and poſſeſſiones, during the continuance of the ſaidis Traytoures and Rebelles, in their rebellion, ſall na-waies be impute to the ſaid Theſaurer, or vtheris hauand his richt or direction, as ony action criminall or ciuill, exonering and diſchargeing them of the ſamin for ever: And that the ſaid Theſaurer or his deputes, cauſe the houſes of the perſones

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committers of the crimes foreſaidis, be deteined and keeped, vpon the expenſes of the reddieſt of the ſaidis eſcheit gudes.

146 Wilfull ſetting of fire in Coale-heuches, is treaſon.

FOR The better puniſhment of the wicked crime of ſetting of fire in Coale-heuches, be ſum vngodlie perſones, vpon priuat revenge & deſpite: It is ſtatute and ordaned, that the committing of the ſaid crime, in onie time hereafter, ſalbe treaſon: And that the committers thereof, being ordourlie convict, ſall ſuffer ſik puniſhment in bodies, landes and gudes, as is dew be the law, in cauſes of treaſon.

147 For puniſhment of maiſterfull beggares, and reliefe of the puir.

OVR SOVERAINE LORDE And his Eſtaites, in this preſent Parliament, ratifies and apprievis his Hienes act of Parliament, maid for puniſhment of ſtrang and idle beggars, and proviſion for reliefe of the puir and impotent: And ordanis the ſame to be put in execution in all partes of the Realme, as it is alreadie tane effect, within the partes of the Burgh of *Edinburgh*; And becauſe ſum of the Schireffe-domes ar of wide and lang boundes, quhair-throw it will be difficill, to conuoy vagaboundes and perſones offending, to the commoun priſones of the head Burrowes of the Schire: Therefore ordanis and commandis all Schireffes, Stewartes, Baillies, Lordes and Baillies of Regalities, and their deputes: And Proveſtes and Baillies within Burrowes, to make priſones, ſtockes and irones: Not onelie at the head Burgh, but alſo at the principall throw faire tounes, and Paroche Kirkes, within the haill boundes of the Schire: alſweill to Burgh, as to Land-wart; And to conſtitute ane or twa Schireffe deputes, of honeſt and zealous men, of beſt credite and power in the boundes within, or nixt adjacent to the ſaidis Burrowes, throw-faire Tounes and Paroche Kirkes, to put the effect of the ſaid act of Parliament in execution: Or gif the ſaidis Schireffes, or vtheris judges ordinar, beis found remiſſe or negligent: giues and grantis, full power, charge & authoritie, to the Miniſters, Elders & Deacons within the boundes of everie Parochin, or of ſa monie parochines as will concur togidder, to nominate and elect ane, twa, three or maa perſones of the beſt habilitie, zeale and diſcretion, within the ſame Parochin or boundes, quhom his Hieneſſe makis and conſtitutis Iuſtices and Commiſſioners in that parte, to the effect vnder-written; Giuand, grantand, and committand to them, cojunctlie and ſeuerallie, full power, charge and authoritie, to execute the ſaid act of Parliament, concerning the puniſhment of ſtrange and idle beggares and vagaboundes, and prouiſion for reliefe of the puir and impotent: And to that effect, to ſenſe and hald courtes, creat officiares, ſummound aſſiſe, ilk perſon vnder the

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paine of fiue pundes, vn-lawes and paines, to take, vp-lift, and raiſe; And for the ſame, gif neede beis, to poynd and diſtreinzie, & to the vſes conteined in the ſaid act applie; And generallie all and ſindrie vther thinges, to do, exerce and vſe, that to the full execution of the ſame acte of Parliament, within the ſaidis boundes, is neceſſarlie required. And in-caſe the ſaidis judges ordinar, or their deputes, or the ſaidis perſones to be nominate and elect, as ſaid is: Is conſtitute juſtices and Commiſſioners, be the authoritie of this preſent acte of Parliament, ſall happen to refuſe or delay, to accept and vſe the ſaid Commiſſion; Or having accepted the ſame, ſalbe found remiſſe or negligent in execution thereof: they ſal incurre the paine and vn-law appoynted, againſt judges and Magiſtrates, be the ſaid act of Parliament: quhairupon dittay ſalbe vptaken, and they called and accuſed therefore, at general juſtice aires, or particular diettes; Or then letters ſall be direct, be deliuerance of the Lordes of Councell and Seſſion; Chargeing alſweill the ſaidis Iudges ordinar and their deputes, as the ſaidis perſones to be nominate and elected; and conſtitute juſtices and Commiſſioners, be this preſent act of Parliament; vpon the ſight of the acte and teſtimoniall of their nomination and election: to put the ſaid act of Parliament to execution in all poynts: after the forme and tenour thereof, within fourtie daies, nixt after the charge; vnder the paine of rebellion, and putting of them to the Horne; And gif they failzie therein, the ſaids fourtie daies being by-paſt; to denunce the diſobeyares, rebelles, and put them to the horne: And to eſcheit and in-bring, all their movable gudes to his Hieneſſe vſe, for their contemption. And for the better tryall of commoun ſornares, vagaboundes, and maiſterfull beggares: feinzied fooles and counterfaict *AEgyptians*: And to the effect that they may be ſtill perſewed, quhill they be compelled to ſettle them at ſum certaine dwelling, or be expelled foorth of the Countrie: That the Schireffes and vther judges ordinar, and their deputes, and vther juſtices and Commiſſioners abone ſpecified, take inquiſition be inqueſt, at the head courtes zeirlie, of the names and takens of them; And make denuntiation of them, to the nixt ordinar judges and Parochinnes, in the four halfes about: As alſo to our Soueraine Lord, & his ſecreit councell, within 40 daies, after the ſaids head courts, vnder the paine foreſaid.

148 *Quha ar fore-ſtallers & regraters: how they ſalbe accuſed & paine thereof.*

FORSAMEIKLE As ſindry acts of Parliament, hes bene maid for puniſhment of foreſtallers & regraters, being very pernitious members in the commoun weill: zit becauſe it hes not bene expreſſed quhat was foreſtalling & regrating: Therefore our Soveraine Lord, with adviſe of his Eſtaites, in this preſent Parliament: declaris, ſtatutis and ordanis, that quha euer buy, or cauſe buy, onie merchandiſe, victuall, or vther thing cumming be Lande or Water, toward onie faire or mercat, in Burgh or in Land-wart, to be ſauld in the ſame, from ony partes bezond Sea, or within the Realme: Or makis onie contract, or promiſes,

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for the having and buying of the ſame, or onie part thereof, before the ſaidis merchandiſe, victualles, or vther thinges ſalbe in the faire or mercat-place, in Burgh, port or raide, reddie to be ſauld: or ſal make onie motion be word, writ, or meſſage, for raiſing of the prices, or dearer ſelling of onie of the thinges abone mentioned: Or elſe diſſwade or mooue onie perſon cumming to the faire, mercat or toun, to bring ony of the things abone mentioned, to the mercat, fair or toun, ſalbe eſteemed and judged ane foreſtaller: And quha ever gettis in his poſſeſſion, in ony fair or mercat, onie corne, victual, fleſh, fiſh, or vther viuers, that ſalbe broucht to be ſauld, and ſellis the ſame againe, in onie faire or mercat, halden in the ſame place, or onie vther faire or mercat, within four miles thereof: Or quha gettis in his hand by buying, contract or promiſes, the growand corne on the field, ſalbe repute a regratour. And becauſe there hes ſa little effect followed in the execution of the ſaid act, be the Magiſtrats within Burrowes, to quhom the execution thereof was committed: Therefore it ſall be lauchfull in time cumming, to OVR SOVERAINE LORDIS Theſaurer or Advocate, to call and perſew all perſones ſuſpect and delated of foreſtalling and regrating; in-caſe they ſall happen to prevene, be apprehending, intending and executing firſt, alſweill as the ſaidis Magiſtrates in Burrowes; And it ſall not be leſum to the Magiſtrates within Burgh, to replege onie perſones challenged or perſewed be the Theſaurer or Advocate, before his Hienes juſtice, or his deputes, at juſtice aires, or particular diettes. And albeit there be na ſpecial dittay, bot that the foreſtaller and Regratour, be onelie accuſed of commoun foreſtalling or regrating, ſa repute and halden: zit the libell in that generalitie, ſall ſtand releuant, and the perſones accuſed, to be put to the knawledge of ane aſſiſe: And gif they cum in will, or be convict be ane aſſiſe, for commoun foreſtalling and regrating of mercattes: They ſal incurre for the firſt fault, the paine and vn-law of fourtie pundes: And ſall finde ſovertie to abſteine in time cumming, vnder the paine of an hundreth markes: And gif he fall againe in the ſecund fault, the principall, and his ſouertie, to in-cur and pay the ſaid ſumme of ane hundreth markes: And for the third fault, the offender being convict or cum in will, to tine and forfault al his moueable guds, to be in-brocht to OVR SOVERAINE LORDIS vſe, as eſcheit: And that Iuſtice courts or aires, for the effect foreſaid, be halden everie zeir twiſe.

149 Againſt carriers of wooll, nolt and ſcheepe foorth of the Realme.

IT IS Statute & ordained, that na wooll, ſcheepe nor nolt, be tranſported in *England*, vnder the paine of eſcheitting, not onelie of the ſaide wooll, ſcheepe, & nolt, quhilk ſalbe fund paſſand to *England*: Botalſwa of the haill movabill gudes, of the actuall tranſporters, and als the merchandes cauſſers and principall doers of the ſaid tranſporting; Albeit ſum laitlie

laitelie they cauſe the ſame bee done be puir folkes, the ane halfe of the ſaidis eſcheittes to apperteine to the apprehender of the ſaids gudes and woll, incaſe he may ſufficientlie verifie and try the ſame, and the vther halfe to our Soveraine Lord, and to be intrometted-with be the wairdane, keiper, Schireffe, Stewart, or Baillie, quha ſal be comptable to his Majeſtie for the ſame; And furder, the ſaidis offenders, ſalbe puniſhed in their perſones, be warding, for the ſpace of ſex Moneths: And vtherwaies at his Hieneſſe pleaſure; Like as our ſaid Soveraine Lord, hes ſtatute and ordaned, that it ſalbe leſum to ony Schireffe, Wairdane, keeper, or ony vther Barronne or officiar, hauand the Theſaurers power and direction; To ſtaie and arreiſt, take and apprehend the ſaids perſones and guds, & to preſent them before the Wardane, Schireffe, Steward, Baillie or keeper; or bring them to *Edinburgh*, to be preſented to the juſtice, or his deputes: and to vnderlie the law, for the ſaid offenſe. Quhilk being tryed, the offenders ſall tine their haill movable gudes, to be divided as ſaid is: and als ſalbe puniſhed in their perſones, as is abone written, at the Kingis pleaſure, to the terrour of vthers; And the ſamin penalities, to be extended againſt quhat-ſum-euer perſones within this Realme, that ſall ſell ony Nolt and Scheepe, to quhat-ſum-euer *Engliſh*-man or vther, ather abydand within the boundes of *England*, or that trafficquis within this realme; It being tryed that the perſon byar of the ſame gudes, ſellis or tranſportis the ſame in *England*: And our Soveraine Lord, with adviſe of the ſaidis Eſtaites, annullis all licences, granted or to be granted hereof; And ordanis, that the penalitie of this act, ſal ſtrike againſt the tranſgreſſoures thereof: Notwithſtanding the ſaid licences purchaſſed or to be purchaſſed.

150 *Deforcers or troublers of officiars, in execution of letters, forefaultis and tynis all their mouables.*

OVR SOVERAINE LORDE, And his Eſtaites, conveened in this preſent Parliament; For remeid of the daily hurts & injuries, received be officiares of armes, or Schireffes in that part, executand letters or precepts in our Soveraine Lordis name and authoritie; Statutis and ordanis, that in-caſe ane officiar of armes, or Schireffe in that part, or vther perſon quhat-ſum-euer, the time of the execution of ony ſummoundes, letters or precepts, direct be his hieneſſe, or vther judges within this realme; Or in putting of decreetes to dew execution, be deforced in dooing of the ſame, or be moleſted, invaded or perſewed, to the effuſion of their bloud, be the perſon or perſons, quhom they ſall be vertew thereof ſummound or charge: Or ony vthers of their cauſing and command, the deforcers and perſewers of the officiares, & vtheris foreſaidis, ſall forefault, amit and tine all & quhatſumeuer their gudes & geare movable: and the ane halfe thereof, ſal apperteine to our Soveraine Lord, as eſcheitte: and the vther halfe to the partie, at quhais inſtance the ſaidis ſummoundes, letters and precepts ar direct & purchaſed: quhilk execu-

tion; Our ſaid Soveraine Lord, and Eſtaites foreſaidis, decernis and declaris to be lauchfull and ordourlie execute; Notwithſtanding the ſaid deforcement and invaſion of the ſaidis Officiares, and vtheris abone written, to be committed in maner foreſaid: The deforcement being firſt verified and prouin.

151 Concerning the relevancie of libelles, in cauſes criminall.

ITEM, It is ſtatute and ordaned, ſeeing that diverſe exceptiones and objectiones riſis vpon criminall libelles, and parties fruſtrat of Iuſtice, be alleged irrelevancie thereof: That in time cumming, all criminall libelles, ſall conteine that the perſones compleined on, ar airt and pairt of the crimes libelled; Quhilk ſalbe relevant to accuſe them thereof; Swa that na exception or objection, take awaie that part of the libell, in time cumming.

152 It is not leſum to vnfree-men; Bot to Burgeſſes to exercethe trafficque of merchandiſe.

IT Is ſtatute and ordaned that na perſone within this Realme, ſuld exerce the trafficque of merchandice, bot the Burgeſſes of free Burrowes; Quhilkis haue not bene, nor zit ar obſerved, be reaſon that there is na penaltie irrogat to the perſones, contraveeners thereof; Therefore our Soveraine Lord, and haill Eſtaites of this preſent Parliament; Confirmis, ratifies and apprievis the ſaidis actes, conſtitutiones, and euerie ane of them, with this addition; That quha-ſo-euer exerciſis the ſaid trafficque of merchandiſe, not being free burgeſſes: Their haill gudes and geare, ſalbe cum in eſcheitte; The ane halfe to our Soveraine Lord, and the vther halfe to the Burgh, quhais Commiſſioner or Collectour ſall firſt apprehend the ſame. And to the effect that the ſaidis eſcheittes may be vp-lifted; his Majeſtie and Eſtaites foreſaidis, gives and grauntis full power and authoritie, to everie ane of the ſaidis free Burrowes, be them ſelues or their commiſſioner or collectour, quhom they ſall haue power to depute in that behalfe; To ſearch and ſeeke the gudes and geare of the ſaidis vn-free men trafficquers, to intromet there-with as eſcheit: & to deliver the an half therof, to his hienes Theſaurer, & the vther halfe to the Burgh, quhairof he ſalbe appoynted Commiſſioner or Collectour, quhidder it be within this realme, or in ony uther part, quhair the ſame may be challenged: And to arreiſt the ſaidis gudes, call, follow and perſew therfore, before vnſuſpected Baillies or deputs, quhom they ſal haue power to creat to that effect; & ordanis the ane halfe of the ſaid eſcheit, to be intrometted-with, be the ſaid Cõmiſſioner or Collectour, as ſaid is, be applyed to the common weil of the ſaid Burgh, quha ſal firſt apprehend the ſaidis eſcheitte gudes: Of the quhilk halfe of the ſaidis eſcheit gudes, there ſalbe zeirlie compt maid, as is appoynted of the commoun gude of the burgh: Providing alwaies that this preſent act be not prejudicial to

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Noble-men, Barronnes, or vther landed men; to bring, or cauſe bring, or haue merchandiſe to their awin particular vſe and behooue; ſwa that they ſell not the ſame, or make merchandiſe theirof againe, to our Soveraine Lordis lieges. Quherein in-caiſe the ſaid Noble-men, Barronnes, and vtheris abone-written, be fund or apprehended culpable, they ſalbe reputed, halden, and eſteemed, as vn-freemen trafficquers: And it ſalbe leefum to the ſaidis free Burrowes, or their Commiſſioner & Collector fore-ſaid, to intromet with their haill gudes and geare, as eſcheitt; and diſpone upon the ſame, as with the ſaidis vn-free-mens gudes, in maner abone-written.

153 *Anent the taxation of Burrowes: Watching, and warding.*

ITEM, ſeeing the taxation and ſtentes upon the Realme is multiplied, quhere-with the Burrowes are verie greatlie burdened: Therefore it is ſtatute and ordaned, that all maner of perſones, in-habitantes of Burrowes, exerceand onie maner of trafficque, merchandiſe, or having chāge within the ſame, ſall beare their part of all taxes, ſtentes, and taxationes, watching, and warding, in al duties and ſervices perteining to our Soverane Lord, the weill of the Realme, and the utilitie of the burgh; & that without onie reſpect to be had to onie Privilege, diſcharge, or exceptiones, granted be our Soveraine Lordis Predeceſſores; or be his Hienes ſelf, or to be granted in times cumming be his Majeſtie, or his ſucceſſors, to quhat-ſum-ever perſon, or perſones, of quhat-ſum-ever qualitie, or for quhatſum-ever cauſe. And ordanis this to haue execution againſt all perſons, exerceand the trafficque of merchandiſe, or vther change, in onie of the Burrowes of this Realme, whidder they be admitted free burgeſſes there-in, or not: Providing alwaies that it ſall be leefum to his Hienes, not-with-ſtanding of the ſaid act, to exeeme from the ſaides taxationes, watching and warding, ane perſon of ilk craft, for his Hienes particular uſe and ſervice, in-caſe his Majeſtie finde it gude and expedient to be done. And ſik-like, that this act be not prejudiciall to the members of the College of Iuſtice, and to their privileges and immunities granted unto them, or whereof they haue bene in uſe in times by-gane.

154 *Exerciſe of craftes, within ſub-urbs adiacent to Burrowes, is forbidden.*

ITEM, for-ſa-meikle as the exerciſe of craftes-men, in the ſub-urbes of the free Burrowes, is not onlie hurtfull to all our Soveraine Lords lieges for the in-ſufficiencie of the wark: bot alſo miniſtratis great occaſion to Prentiſes and ſervands in free Burrowes, vn-dewtifullie to leave their Maiſters, and to remaine and abide in the ſaides ſub-urbes, thereby ſubſtracting themſelves, fra the juriſdiction of the Proveſt and Baillies of the ſaides Burrowes. And als the free craftes-men, reſident within the ſaidis Burrowes, are greatlie damnified, ſeeing they beare ane great part of the charges of the Burgh, & the advantage of the wark, that ſuld relieue them is drawen away to the ſaidis ſub-urbes: Therefore our Soveraine Lord,

and haill Eſtaites of this preſent Parliament, ſtatutis, declaris and decernis that in al time cũming, there ſalbe na exerciſe of craftes in the ſub-urbes adjacent to the ſaidis Burrowes: Bot that the ſamin ſall ceaſe in all times hereafter; And that it ſalbe leeſum to the Proveſt and Baillies of the ſaidis Burrowes, and their deputes & officiares, to intromet with al the warkes that ſalbe found wroucht, or in working: quhidder the materialles thereof apperteine to the craftes-man him ſelfe, or to quhatſumeuer perſon, & to eſcheit the ſamin, to be applyed to the commoun warkes of the burgh nixt adjacent to the ſaids ſub-urbes,

154 Againſt granting of reſpettes and remiſsiones.

FOR Furthering of the puniſhment of ſlauchters, fire-raiſinges, and vtheris odious crimes, committed in diverſe partes of the realme, thir ſindrie zeares by-gane, vpon ſet purpoſe & fore-thought fellonie, to the offenſe of God, and contempt of our Soveraine Lordis authoritie: His Hieneſſe followand the lovable exemple of his maiſt Noble Progenitoures, in like caſes, of his ſpeciall fauour, & at the inſtant requeſt of his Eſtaites, at this preſent Parliament grantis, and in the word of a Prince, faithfullie promittis, that he ſall cloſe his handes, and ceaſe fra granting onie reſpite, or remiſsiones, for ony maner of ſlauchter, fire raiſing, or vther odious crimes, that ſalbe committed, vpon auld feed, & fore-thoght fellonie, for the ſpace of 5. zeires nixt-to-cum, after the dait hereof: that in the meane time, the realme may be put in peace, and his Lieges maid to liue in ſvertie, except the ſaid reſpit or remiſſion ſall be craued to the offender, be the wife, bairnes or neareſt friende, of the perſon that hes received the offenſe: Or that a ſufficient letter of ſlaines, ſeene and perfitelie conſidered be his Hienes councell; And gif ony reſpite or remiſſiones ſal happen to be granted for auld actions, that it be expreemed in the ſame, that the treſpas was committed, before this preſent Parliamẽt; And that his Hieneſſe and his councell, hes ſeene quhair the partie is aſſyithed: utherwaies declaris the ſame reſpite or remiſsion, to be nul, and of nane auaill. And in-caſe ony ſik remiſſiones or reſpittes (as God forbid) ſall happen to be granted and paſt: Ordanis and commandis his hieneſſe juſtices, juſtice-clerke, and their deputes, to proceed and do juſtice upon the perſones vſers thereof: Notwithſtanding the ſaidis remiſſions and reſpittes, as gif the ſamin had neuer bene granted or produced: And ordanis all perſones, that hes alreadie obteined reſpittes, for the ſaidis crimes, ſen his Hieneſſe accepted the governement of the realme in his awin perſon, to be called to vnderly the law for the ſame: At the inſtance of the partie offended, gif they pleaſe to perſew. And althoucht they inſiſt not, at the inſtance of his Hienes Theſaurer and Advocate, & the perſones compeirand offenders, and vſand the ſaidis reſpittes or remiſsions, to cauſe them finde gud & reſponſail ſoverties, acted in the buikes of adjournall, for ſatiſfieng of the partie, as Law will, at the modification of the Lordes of Councell and Seſſion, quhome his Hieneſſe ordanis

and commandis to proceede and miniſter vp-right juſtice in modifieng of condigne and ſufficient aſſyithmentes of the ſaidis ſlauchters,& vther odious crimes, according to the gravitie and circumſtances thereof, as they wil anſwer to God and his Hieneſſe there-upon; And for the furtherance thereof, that his Hieneſſe Theſaurer and Iuſtice-Clerke, cauſe collect the names of al perſones, that hes gotten reſpittes or remiſſiones for ſlauchters, or vthers odious crimes, ſen his Hienes acceptation of the governement in his awin perſon, and preſent the ſame to his Hieneſſe, and his privie Councell, with all expedition.

155 *Againſt tranſporting of skinnes foorth of the Realme.*

OVR SOVERAINE LORD With adviſe of the Eſtaites, inhibitis and diſchargis, all and ſundrie merchandes, trafficquers, and vtheris his Hieneſſe Lieges quhatſumeuer; Of all tranſporting and carrying foorth of this Realme, of Calue-skinnes, huddrounes, and Kid-skinnes, packing and peilling thereof, in time cumming, vnder the paine of confiſcation of the ſame to his Majeſties vſe; Commanding his Majeſties Cuſtomer and Searcher, to ſearch and ſeek the ſaidis skinnes; And in-caſe onie beis foundin tranſporting, to intromet there-with, and in-bring the ſame to his Hieneſſe vſe. And ordanis letters to be direct, for publication thereof, in forme as effeiris.

156 *Concerning the ſtreetes and paſſages of Burrowes.*

OVR SOVERAINE LORD And the Eſtaits of Parliament, ratifies, apprievis & confirmis the act of Parliamēt, maid be Quene *Marie*, Dowriar of this Realme, in the moneth of *Iunij*, the zeir of God; ane thouſand, fiue hundreth, fiftie fiue zeires; Intitulat, anent the commoun paſſages to Burrowes: Be the quhilk it was ſtatute, that all commoun hie-gates, that free Burrowes hes bene in vſe of, proceeding ather for paſſage fra their Burgh, or cūming thereto: And in-ſpecial, al cōmon hie-gates, fra free dry Burrowes, to the Portes & hauens, nixt adjacent, or proceeding to them, be obſerved and keeped: And nane make them impediment or ſtop there-intill; And gif onie dois, to be called and accuſed for oppreſſion, and puniſhed therefore, according to the lawes; as in the ſaid act at mair length is conteined: Quhilk act, with the haill clauſes and conditiones thereof, his Majeſtie with adviſe foreſaid, willis that the ſamin ſalbe halden, as expreſſed therein: And to put to dew execution in all time hereafter, with thir additiones following.

THAT Forſameikle as it is ſufficientlie vnderſtand be his Majeſtie, that diuerſe malicious perſons, vpon deliberat malice, ſtoppis and impedis publick paſſages, perteining to free burrows, within this realme; namelie to the Pottes, quhilkis hes greateſt occaſion of trafficque, be ca-

king of fowſies, and bigging of dikes, for inter-cloſing of the ſaidis common paſſages, and will not ſuffer the inhabitantes of the ſaidis burrowes, and vthers his Hienes lieges, and trafficquers towards the ſaidis ſea-portes: to haue, or frequent the accuſtomed paſſage vſed of before, in tranſporting of victualles, fewalles, vivers, merchandiſe, and vthers, for entertainement of the commoun negotiation of the cuntrie: bot compel lis them to pas ane mile or twa about, to the great hurt and prejudice of the ſaidis lieges. HEIRFORE his Majeſtie with aduiſe fore-ſaid, in corroboration of the ſaid former Act, and to the effect that the ſamin may be put to ful execution in time cumming; Statutis and ordanis that nane preſume, or take vpon hand here-after, to ſtop, or impede the ſaids publick and common paſſages, perteining to the ſaidis free Burrowes, & namelie to the ſaidis Sea-portes. And gif onie ſall happen to doe in the contrarie, the parties grieved ſall haue their recourſe to the Lordes of Councell and Seſſion, quha ſall grant ſummar letters in their favoures, vpon ſex daies warning allanerlie, to cauſe and compell the committers of the ſaid oppreſſion, to deſiſt and ceaſe there-fra: and to heare and ſee them-ſelves decerned to haue done wrang, in ſtopping of the ſaids paſſages: and to finde caution, acted in the ſaidis Lords bukes, under ſik paines, as ſal bee modified unto them, never to commit the like wrang be them-ſelves, their men, tennents, or ſervandes, and vthers quhom they may let: the ane half of the ſaid penaltie to appertaine to his Hienes, and the vther half to the partie grieved; And the probation of the ſaid wrāg in ſtopping of the ſaidis paſſages, to be received by famous witneſſes allanerlie, and not by ane aſſiſe: And the tryall thereof to apperteine to the ſaidis Lordes of Councel, & al vtheris inferiour judges, to be diſcharged fra proceeding in the ſaids cauſes: Notwithſtanding ony quhatſumeuer ſtatute or conſtitution, maid anent moleſtationes, in propertie or commontie; In number quhairof his Hieneſſe will na waies that the ſaidis oppreſſiones and ſtaying of the publicke paſſages, ſalbe comprehended; And ordanis publication to be maid hereof, in forme as effeiris.

157 Concerning certaine abuſes in the Admiralles proceeding.

FORSAMEIKLE As it is heavelie compleened, be the haill Burrowes of this Realme; That they and the haill tounes, lyand vpon the Sea Coaſt, haue bene greatlie oppreſſed be the Admirall, taking ane cullor vpon the new infeftmēt, maid to *Frances*, ſum-time Erle *Both-well*, of the ſaid Admiralitie; In the quhilk infeftment, there is ane great number of ſtrange clauſes, quhilk were never conteined in ony infeftment, given to ony Admirall of before; For the repreſſing of the quhilk oppreſſion; It is ſtatute and ordaned, be our Soveraine Lord, and the Eſtaites of this preſent Parliament; That the Admirall of this Realme, and his ſucceſſors in time cumming, exerce nor vſurpe na juriſdiction; neither yet exact nor craue onie kinde of dewtie, eſcheit, nor caſualitie; Bot according to that, quhilk was vſed to be exerciſed or taken be the Admirall, for the time

time, before the deceaſe of King IAMES the Fifth, of noble memorie; Notwithſtanding, ony greater ſpecialitie conteined in ony of the ſaidis Admirallis infeftmentes, by-gane or to cum.

158 *It is leſum to laick patrones to diſpone their Prebendaries and Chaplanaries to ſtudentes: Benefices of Cure, perteining to the ſaidis patrones, and ſerved be Miniſters, payis na thrid*

OVR Soveraine Lord and Eſtaites, preſentlie conveened in Parliament, ratifies and apprievis the act of Parliament, maid in his Hieneſſe minoritie, and firſt zeare of his raigne, vpon the fiftenth day of *December*, the zeir of God, ane thouſand, fiue hundreth, three ſcore ſeuen zeirs: Intitulat anent the diſpoſitiō of Proveſtries, Prebēdaries, & Chaplanaries to burſares, to be founded in Colleges, perteining to laick Patrones; And willis and declaris, that the haill poyntes, artickles and proviſiones, conteined in the ſaid act, ſalbe halden as expreſſed herein, with this addition; That the ſaidis Burſares, ſtudentes and titulars, lauchfully provided to the ſaidis Prebendaries, Chaplanaries, ſall bruik, ioyis and, poſſeſſe in all time hereafter: Like as they had ſufficient richtes to bruik, ſen the dait of their proviſiones; The haill rentes, profites and emolumentes, conteined in the auncient foundationes, maid be the ſaid laick patrones; notwithſtanding quhatſumeuer proviſiones, or particular vſe, to the quhilk the haill, or ane part of the ſame, war deſtinat, vſed or bruiked, in time of *Papiſtrie*, and before the reformation of Religion: And notwithſtanding quhat-ſum-euer act, ſtatute, conſtitution, diſpoſition, gift or preſentation following there-upon, maid be his Hieneſſe at onie time heretofore; Like as his Majeſtie, with adviſe of the ſaidis Eſtaites, and haill bodie of this preſent Parliament, expreſſelie declaris, that it was never his Majeſties intention, ather to prejudge the ſaidis laick Patrones, in their Perſonages: or the perſon provided to the ſaidis Prebendaries and Chaplanaries, of ony part of the fruites and emolumentes, conteined in the auncient foundationes, maid be the ſaid laick Patrones; Bot as before, heartelie requeſtis the ſaidis Patrones, to diſpone and preſent their ſaidis Chaplanaries and Prebendaries, to ſufficient and qualified perſones, as they wald godlineſſe and gud letters to flooriſh within this realme, to Gods glorie, and profite of this age, and the poſteritie. And attour, our Soveraine lord, and his Eſtaites in Parliament, declaris, that the benefices of Cure, being laick patronages, prouided to Miniſters actuallie ſerving, and making reſidence at the proper Kirkes of the ſame benefices, ſall not be ſubject in time cumming, to the payment of ony thrides, foorth of the ſame: bot the ſame thrides, to be reteined be them, as a part of their awin living and ſtipend.

159 *Annexation of the landes and annualles, mortified to the Miniſters and Hoſpitall of* Edinburgh.

OVR Soveraine Lorde, now after his perfite age of twentie fiue zeires compleit, with adviſe of his Eſtaites in Parliament, ratifies

and apprievis the donationes and mortificationes, maid be his Hieneſſe vmquhile deareſt Mother, in her perfite age, and be his Hienes at diverſe times, of the landes, benefices and rentes, doted for ſuſtentation of the Miniſterie within the Burgh of *Edinburgh*, and interteining of the Hoſpitalles thereof; And ſpeciallie, of all landes, annualles, and tenementes, lyand within the freedome of the ſaid Burgh, founded to quhatſumeuer benefice; And of all landes and annualles, lyand out-with the libertie of the ſaid Burgh, annexed to ony benefice, Prebendarie, or Religious place, ſituate within the free-dome of the ſaid Burgh. And OVR SOVERAINE LORD, for his pitifull zeale, quhilk he hes to the ſuſtentation of the miniſterie and hoſpitalles within the ſaid Burgh, with adviſe of his ſaidis Eſtaites of Parliament, now after his perfite age of twentie fiue zeires compleit; hes of new annexed to the communitie of the ſaid Burgh, and their ſucceſſoures, in fauoures of their Miniſtery and hoſpitall; All and hail the ſaidis Lands and tenements, annual-rents, profits & emoluments foreſaids: Few-fermes, mailles & dewties therof; And ſurrogatis them in the full richt of all landes, annual-rentes, and emolumentes, ſituate within the freedome of the ſaid Burgh: Quhilkis perteined of before, to quhatſumeuer Biſhop, Abbot, Prior; Or quhatſumeuer Eccleſiaſticall perſon within this Realme; And ordanis an new infeftment to be exped therevpon, for their ſecuritie, gif it be thought expedient; And for the ſaid godlie effect, his Hienes diſſoluis the generall annexation in that part; in ſa far as the ſamin may appeare to be extended to onie of the premiſſes, or to the annexation maid of before, in fauours of the ſaid College and hoſpital, of *Dumbarny*, quhairof the kirk of *Potie* and *Moncreiſe* ar pendickles, lyand within the Schireffedome of *Perth*: The perſonage of *Curry*, and the ane halfe of the Vicarage thereof, perteining to the Arch-deane of *Louthiane*: The landes, annual-rentes, houſes, zairdes and Bigginges of the *Trinitie* College, ſituate within the ſaid Burgh of *Edinburgh*, alſweill perteining to the Proveſt, as to the Prebendars thereof, and commoun landes, and annual-rentes of the ſame. Quhilk annexation, his Hieneſſe with adviſe of his ſaidis Eſtaites in Parliament, ratifies and apprievis: As als his Majeſtie, with adviſe of his ſaids Eſtaites, of new annexis the vtherhalfe of the Vicarage of *Curry*, to the quhilk na perſon is provided: And the haill Vicarage of the ſaid Kirk of *Dumbarny*, quhilk alſwa vakis be deprivation of N. N. laſt poſſeſſour of the ſame; To remaine with the Proveſt, Baillies, Councell, and communitie of the ſaid Burgh, and their ſucceſſoures in time cumming, for ſuſtentation of their ſaid miniſterie and hoſpitall. And our Soueraine Lord, and Eſtaites foreſaidis, decernis and declaris, that nane of their particulars before written, diſponed of before, and newlie annexed, for ſuſtentation of the ſaid Miniſterie and hoſpitall, were, ar, or ſalbe ever comprehended in the generall Annexation of the Eccleſiaſticall lands and rentes to the Croun; Bot wer, ar, and ſalbe excepted therefra: Like as his Majeſtie and eſtaites foreſaidis, of new exceptis the ſamin, not in

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onely fra the ſaid annexation: bot fra his Hieneſſe reuocatiõn, maid in time by-paſt, or maid in this preſent Parliament; And declaris alſwa, that the ſaidis Proveſt, Baillies, Councell and communitie, and their ſucceſſoures, in all time cumming, hes, and ſall haue ſik full richt of propertie and ſuperioritie of the foreſaidis landes, annuall rentes and revenues, tennentes and tennendries and ſervice of free-tennentes thereof: as had the Biſhoppes, Abbotes, Priors, Friers, Monkes, Nunnes, Chaplanes, and Prebendares, to quhom the ſaidis landes and annuall-rentes, perteined of before: Norwithſtanding, ony acte or conſtitution, preceeding the dait hereof.

Ane Table of the particular Actes and vtheris, maid be King IAMES the Sext, in this twelfth Parliament, the fifth of *Iunij*; 1592 zeires, not imprinted.

1 *Commiſsion anent the Miniſters ſtipendes.*
2 *Exception in fauour of* Adam, *Biſhoppe of* Orkney.
3 *Commiſsion for reparation of Hoſpitalles.*
4 *Anent the bigging of ane ſecond Kirk, within the Parochin of* S. Andrewes.
5 *For appriſing of the Kirk, bigged be* Iohn Schaw *of* Greenok.
6 *The vnion of the Kirk of* Forteviot, *to the auld College of* Saint-Andrewes.
7 *The diſſolution of the Deanrie of* Reſtal-rig.
8 *Ratification of the penſion granted to* Iohn Durie, *his wife and ſonne.*
9 *Ratification of the manſe of the Miniſter of* Pettin-weeme
10 *Commiſsion anent the locall ſtipendes of Miniſters.*
11 *Commiſsion anent the ryding in Parliament.*
12 *For furthering of the Kingis commoditie be the mines and mettalles.*
13 *Ratification of the Kingis reuocation.*
14 *Anent the payment of Burrowe mailles.*
15 *Annexation of* Kelſo *and* Coldinghame.
16 *Anent the nomination & eſtabliſhing of our Soveraine lords privie councel*
17 *Anent the Kingis Chappell royall.*
18 *Commiſsion anent the examination & imprinting of the lawes of this realme.*
19 *Ratification of the contract of mariage, betuixt the King, and Queenes Maieſties, and of her infeſtimentes paſt thereupon.*
20 *Approbation of their ſervice, quha accompanied his Maieſtie to* Norway *and* Denmark.
21 *Ratification of the proceeding of the Erle* Marſchell, *and vtheris direct to* Denmarke, *to treat the ſaid mariage.*
22 *Ratification to the Laird of* Barne-barrow, *and Maiſter* Peter Young, *and of their proceeding in the ſaid Mariage.*
23 *Preſcription of the act of repoſſeſsion.*

24 *Act annulling the bandes and contractes of perſones, being put in captiuitie.*
25 *Ratification of the Commiſſariote of* Edinburgh.
26 *Ratification of the Burgh of* Hadingtoun.
27 *Of the Hoſpitall of* Perth.
28 *For the bigging of the Tolbuith of* Clack-mannan.
29 *Erection of the toun of* Scraling, *in ane burgh of Barronnie.*
30 *Changeing of the Faire of* Dornoch.
31 *Act in fauour of the Burgh of* Anſtruther, *bezond the* Burne.
32 *In fauour of the Burgh of* Cul-roſſe.
33 *Ratification of the exceptiones from the generall act of Annexation.*
34 *Declaration to the Erle of* Angus, *anent his honoures.*
35 *Ratification of ane contract, betuixt the King, and the Erle of* Angus.
36 *Ratification to the Duke of* Lennox, *of the ſuperioritie of the Priorie of* Saint-Andrewes.
37 *Ratification of the Erledome of* Orknay, *to the Erle thereof.*
38 *Ane vther to the Erle of* Gowrie, *of his infeftment.*
39 *Item to him, of the Abbacie of* Scone.
40 *To the Erle of* Mont-roſe.
41 *To the Maiſter of* Mont-roſe.
42 *To the Lord* Lindeſay.
43 *Of ane Penſion out of* Quhite-horne, *to my Lord of* Spynie.
44 *To the Maiſter of* Drummound.
45 *Anent the Temporalitie of* Paſlay.
46 *In fauour of the Commendatar of* Mel-roſe.
47 *Ratification to* Arche-bald Dowglas, *ſon to the Commendatar of* Melroſe.
48 *To the Commendatar of* Kinloſſe
49 *To the Commendatar of* Lundoris.
50 *To the Lord of* New-bottle.
51 *To the Lord of* Vrquhart.
52 *To* Iohn Colvil, *Sonne to the Commendatar of* Culroſſe.
53 *To* William, *Commendatar of* Tung-land, *anent the Temporalitie of* Kilvinning.
44 *To the bairnes of vmquhile, Sir* Lewes Bellenden *of* Auchinnowll, *laite Iuſtice-Clerke.*
55 *To the bairnes of vmquhile the Laird of* Segey.
56 *To Maiſter* David Chalmer *of* Ormond.
57 *To* Alexander Hoome *of* North Berwike
58 *To Sir* Robert Mal-vill *of* Murdocarny *Knight, Theſaurer.*
59 *To* Andrew Mal-vill *of* Garvok, *Maiſter-houſholde*
60 *To the Laird of* Tullibardin, *Maiſter-houſholde*
61 *To the Laird of* Ormeſtoun, *Iuſtice clerke*
62 *To Sir* Iohn Carmichaell, *of that ilk, Knight, Maiſter of the Stable*
63 *To the ſaid Sir* Iohn *concerning the lands of* Lang-Hirdmeſtoun.
64 *To maiſter* Gilbert Moncreif, *Meditinar to his Maieſtie*
65 *To maiſter* George Young, *Arche-deane of* Sanct-Andrewes.

66 To Sir George Hoome Knight.
67 To Iohn Gib.
68 To Iohn Chiſholme.
69 To Maiſter Henrie Keir.
70 To the aires of Eupheme Mak-kalzane.
71 To David Cuninghame of Robert-land.
72 To the Ladie Aicket.
73 To the Laird of Ceſ-furde.
74 To the Laird of Pettarrow.
75 To the Laird of Findlater.
76 To the Laird of Buquhollie.
77 To the Laird of Largo.
78 To the Laird of Baſſe.
79 To the Laird of Vrie.
80 To the Laird of Eſſil-mont.
81 To Iames Boyde of the Kippes.
82 To Gawin Hammiltoun of Roploch.
83 To Nicoll Cairn-croce of Calſe-hill.
84 To Iames and Iohn Murrayes.
85 To Walter Scot of Tuſſchielaw.
86 To Frances Borthwicke in Ballincreif.
87 To Sir Alexander Hoome of Snuik Knight.
88 To Iohn Hoome of Sleg-den.
89 To Thomas Meinzeis of Durn.
90 To Iames Hammiltoun of Liber-toun
91 To George Hammiltoun of Preſtoun.
92 To Williame Hoome of Baſſindene.
93 To Iohn Schaw of Broich.
94 Of ane band of man-rent to the Laird of Black-wood.
95 To Iohn Andro Clerk of the ſecrete Councell.
96 To Williame Wylie Writer.
97 To the Clerk of Regiſter, and Maiſter Iohn Hay his ſonne
98 To the Erle of Murray ane Super-ſedere.
99 To my Lord Thirle-ſtane, Chancellar.
100 To the Erle of Murray of his infeftmentes.
101 To the Lord Ding-well.
102 To the Laird of Leie zounger, bis.
103 To the Lord Sea-toun.
104 To Iohn Levingſtoun of Aber-korne.
105 To the Commendatar of Petten-Weeme.
106 To the Lord Boyde. 107 To the Erle of Mortoun.
108 To the Lord Zeſter. 109 To the Laird of Duniepace.
110 To George Sinclar of Maij. 111 To Martene Ellot.
112 To my Lord of Spynie for his infeftiment.

FINIS.

THE

THE XIII. PARLIAMENT CVRRENT, HALDEN at Edinburgh, the xxj. daie of Julij, the zeir of

God, ane thousand, fiue hundreth, foure score threttene zeires Be the richt excellent, high, and mightie Prince, IAMES the Sext, King of SCOTTES; And three Estaites of the Realme.

159 Mercattes and Faires ar forbidden on the Sabboth-day.



VR SOVERAINE LORD, With aduise of the Estaites of this present Parliament, ratifies and approvis the Actes maid anent the dischargeing of Faires and Mercattes, halden on Sabboth-dayes; And becauſe the ſamin Actes in manie reſpectes, ar na-waies obſerued in Land-wart; THEREFORE His Majeſtie, with aduiſe foreſaid, expreſlie commandis and chargis; all Schireffes, Stewardes, Baillies, Proveſtes, and Baillies of Burrowes; And al vthers quhom it ſall pleaſe everie particular Presbyterie to nominate, within their awin bounds, to that effect; To diſcharge, remooue, and put awaie all Faires and mercattes, halden on Sabboth-daies, as they will anſwere to his Majeſtie; And in-caſe they be found negligent, ordanis letters of horning, vpon an ſimple charge of ten daies to be direct, to charge them thereto, at the inſtãce of the ſaid Presbytery.

160 Contemners of the decreetes of the Kirk ſuld be denunced Rebelles.

FOR-SAMEIKLE As the Kingis Majeſtie, with aduiſe of his Eſtaites in Parliament, hes confirmed and eſtabliſhed, the juriſdiction and

and judicatours of the Kirk, in the generall and ſynodal aſſemblies, preſbyteries, and particular ſeſſiones of everie Kirk and paroche, willing and ordaning their ſentences and decreetes, in maters perteining to their judicatour, to be put in execution, and take full effect: And it is of veritie, that a number of obſtinat & ſtubborne people, in diverſe Paroches of this Land, hath contemned, and dailie contemnis the ſentences and decreetes of the ſaidis aſſemblies and judicatoures of the Kirk; Namelie in Landwart Paroches, quhair there is little, or na concurrence of Magiſtrates, to puniſh obſtinat and diſobedient perſones: And the ſaid Kirk having na vther puniſhment in their handes bot Spirituall; the quhilk the ſaid obſtinate people (being altogether fleſhlie and beaſtlie) feelis not, nor ſettis not by. Therefore OVR SOVERAINE LORD, with adviſe of the ſaidis Eſtaites, for remeid hereof, hes ſtatute and ordaned, that in-caſe ony of his ſubjectes within this Realme, refuſis to obey the ordinances and decreetes of the ſaidis Aſſemblies and judicatoures of the Kirk, in ony time to cum, the ſaidis Aſſemblies and judicatoures, ſall direct their Bedle to the perſone or perſonnes diſobedient, chargeing and commanding them in the name of God and the King, to obey their decreete and ordinance: The quhilk charge, gif the ſaid perſon or perſones contemne, and remaine obſtinat; The Miniſter of the Paroche, quhair the ſaid perſon or perſones remainis, ſal three ſeverall Sabboth-dayes from Pulpit, charge and command the ſaid perſon or perſones, in the name of God and the King, to obey the ſamin ordinance and decreete: And in-caſe notwithſtanding, all the ſaidis charges, the ſaid perſon or perſones remainis ſtill obſtinate and rebellious; Then ſall the ſaide Aſſemblie or judicatoures, quhilk hes maid the ſaid ordinance and decreete, meane the mater be their ſupplication, to the lordes of Seſſion, conteining the ſubſtance of the Proceſſe, the ſentence and decreete pronunced againſt the ſaidis perſone or perſones, with a complaint of their contempt and diſobedience: Quhair-upon the partie cõpleined on, being firſt cited & heard to propone their lauchful defenſes, in-caſe they compeir: And gif they compeir not, *propter contumaciam* The ſaidis Lordes of Seſſion, or ſecreit councell, ſall giue out letters, to put the ſaid perſon or perſones to the horne, within ten daies nixt after the charge, in caſe of diſobedience, and continuing in their former contempt and rebellion.

161 *Miniſters glebes ſuld be deſigned foorth of onie Kirk-landes.*

ITEM, It is ſtatute and ordaned, quhair there hes bene na glebe of auld, or quhair hes bene ſum of auld, zit it be farre within the quantitie of four aikers of land, that the deſignatiõ to be maid of the Perſon, Vicar, Abbot or Prioreſſe landes: And failzieng thereof, out of the Biſhoppis landes, Friers landes, or ony vther Kirk-landes, lyand within

the boundes of the ſaid Paroche, ay and quhill foure aikeris of land be compleit,

ITEM, that the ſaidis glebes be deſigned with freedome of foggage paſtourage, fewall, faill, diffat, loning, frie iſchue and entrie, & all vthers privileges and richtes, according to vſe and woont of auld.

162 Miniſteres ſtipendis ſuld be free of all impoſitiones.

FORSAMEIKLE As ſindrie Miniſteres, quha hes bene in lang poſſeſſion of their ſtipends, be vertew of their aſſignationes, are troubled be penſioners or tackiſmen, quha hes tane in tack, gift, or penſiõ ather their haill ſtipends, or ane great pairt thereof, and hes obteined ratification in Parliament thereupon.

THEREFORE, our Soveraine Lord, with adviſe of his Eſtaites of this preſent Parliament; Ordainis that all Miniſteres ſtipends in time cumming be frie from all tackes, penſiones, taxationes, or impoſitiones quhatſumever, not-with-ſtanding of onie gift or diſpoſition maid in the cõtrair: to the effect that the miniſters may bruik their ſtipends peaceably in al time cumming, without ony trouble, according to their aſſignation.

163 Anent diſpoſitions of benefices granted to Miniſteres

FORSAMEIKLE As the Miniſters ſerving the cure within this Realme, being lauchfullie provided to Perſonages and Vicarages, and annexed and perteining of before to prelacies; hes bene this time by-gane fruſtrat of the rentes and fruites of the ſame: Notwithſtanding the lauchfull proviſiones and aſſignationes thereto: For remeid quhairof, and to the effect that the haill Perſones, ſerving the Cure of Miniſterie within this Realme, may peaceablie bruik and poſſeſſe their benefices of Perſonages and Vicarages of their awin Kirkes, fruites, rentes and emolumentes thereof, in all time cumming; Conforme to their Proviſion and aſſignation of the ſamin; to remaine with them and their ſucceſſoures, ſerving the Cure, as ſaid is: It is ſtatute and ordaned, that all gifts, Proviſiones, and aſſignationes, diſponed to the Miniſters, ſerving the Cure of the Perſonages, Vicarages, and Kirkes thereof; Is and ſalbe, now, and in al time cumming, valiable and ſufficient richtes and titles to them, and euerie ane of them: For bruiking, joyſing and poſſeſſing of the ſame; and intrometting with the fruites, rentes and dewties thereof, in time cumming, ratifiand and apprievand the ſame: Notwithſtanding quhatſumeuer act or conſtitution maid in the contrair: But preiudice alwaies of quhatſumeuer particular pairties rightes; And ſpeciallie the Queenes Majeſties Kirkes of *Dumfermeline*.

164 A-

164 Anent the ſayers of Meſſe, *and receipters, Or interteiners of excommunicat* Papiſtes.

ITEM, It is ſtatute and ordaned, that in-caſe in time cumming, onie perſon or perſones ſay *Meſſe*, or receipt and intertaine willingly, be the ſpace of three nightes togidder, or three nightes at ſeveral times, excommunicate *Ieſuites*, or trafficquing *Papiſtes*, againſt the Kingis Majeſtie and Religion, preſentlie profeſſed and eſtabliſhed within this Realme: The ſamin being dewlie and lauchfullie tryed, ſall verefie and infer the deede to haue bene of the knawledge and gud-will of the perſon or perſones accuſed therefore: Quha being convict of the premiſſes, or ony of them; their eſcheitte, for the firſt fault, ſall fall and becum in his Majeſties handes, and ſalbe intrometted-with, to his Hieneſſe proper vſe: And being convict thereof the ſecund time, ſall amit and tine their life-rent, of quhatſumeuer their landes, poſſeſſiones, vtheris gudes and geare: And being accuſed and convict therefore the thrid time, ſall incurre the paine of treaſon, and the proces and doome of forefaltour, ſalbe ordourlie led, pronunced and execute againſt them, with al rigour.

165 Na particular acte of Parliament, ſall preiudge the Miniſters in their livinges.

OVR SOVERAINE LORDE, With the adviſe of the Eſtaites of this preſent Parliament, having conſideration how that the Miniſters Provided to Eccleſiaſticall functiones and livinges of the Kirk, and ſerving the Cure thereat, hes bene and may be in time cumming heavilie prejudged in their ſaidis Eccleſiaſticall livinges and rents thereof, be ſpeciall actes and conſtitutiones, maid in favour of certaine particular perſones: For remeid thereof in time cumming, hes ſtatute and ordaned, that quhatſumeuer acte or conſtitution of Parliament in time cumming, after the dait hereof, be maid in fauour of ony particular Perſon, quhairby the proviſion of ony Miniſters livings, may be tane awaie, or in onie wiſe prejudged, directlie or indirectlie, in their ſaidis proviſiones, rentes and profites thereof, or ony part of the ſamin; that the ſamin ſalbe in all times cumming, null and of nane availe, force nor effect: Except the ſaidis Miniſters be called vpon their proviſiones, and the ſamin in haill or in part, reduced before the judge ordinar.

166 Additiones to the paines of law-borrowes.

IT is ſtatute and ordaned, be OVR SOVERAINE LORDE, And three Eſtaites, that in time cumming, the paines and vnlawes of law-burrowes, or for none-againe-bringing of letters to the Iuſtice Clerke and his deputes; or for none-compeirance before the Iuſtice

after ſovertie founde; ſall bee for euerie Erle or Lorde, twa thouſand pundes: For everie great Barronne, ane thouſand pundes: for euerie free halder, ane thouſand Markes: For everie fewer, fiue hundreth Markes: For everie Zeaman-man, ane hundreth Marks: For everie Gentle-man vn-landed, twa hundreth Markes: Of ilk perſon ſummoned to pas vpon Aſſiſe before the juſtice, ane hundreth Markes: And that the juſtice Clerke and his deputes, receiue ſovertie, according to the ſaidis paines in time cumming, and na vther-waies: as they wil anſwere vpon the dewtie and execution of their offices. And the ſaids paines and law-borrowes, to be divided equally, betuixt the King and the partie offended vnto; conforme to the act maid there-upon of before. And that the vn-law of all perſones arreiſted, and not compeir and at the firſt juſtice aire, over all the Realme in time cumming, ſalbe twentie pundes.

167 Annuall-rentes payed out of the Kingis Propertie, to Eccleſiaſticall perſones, after their deceaſe, ſall returne to the Croun.

IT IS Statute and ordaned be OVR SOVERAINE LORD, and his Eſtaites in this preſent Parliament; That after the deceaſe of the preſent poſſeſſour of the Prelacies, and vther benefices within this Realme; the annuall-rentes payed thereunto, out of the Burrow mailles cuſtomes, and vtheris rentes of the propertie, to remaine with his Hieneſſe and his ſucceſſoures, as a part of the patriemonie of the Croune: And nane that ſall happen to be provided in title to the ſaidis Prelacies, or vther inferiour Benefices, ſall haue richt or action, to craue or recover the ſamin annual-rentes: Notwithſtanding their proviſiones, generall or ſpeciall quhat-ſum-euer, without prejudice alwaies of the Hoſpitalles and Colleges within Vniverſities and Schooles, within this Realme.

168 The paines of wrangous Cuſtomers and Searchoures.

OVR SOVERAINE LORDE, With adviſe of the Eſtaites in this preſent Parliament, ſtatutis and ordanis, that all Cuſtomers and ſearchers, ſall compeir zeirlie in the ordinar time of the checker, and make faith that they haue done their dewtie trewlie in their offices, the zeir preceeding: And gif ony ſalbe tryed to haue done in the contrair; be ſuffering or over-looking of forbidden gudes, or vn-cuſtomed gudes to be tranſported, ather before the juſtices or his deputes, or auditoures of the checker, that the offender thereby in-cur the paine of deprivation from their offices, and eſcheitting of all their movable gudes.

169 The

169 Remiſsiones and reſpittes ſuld not be granted, without ane letter of ſlaines: They ſuld be regiſtrat.

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, ratifies and apprievis, the actes of his Hieneſſe Parliamentes, maid of before; againſt the granting of remiſſiones and reſpettes to the committers of murthers, ſlauchters, and vther odious crimes, mentioned therein, quhair there is not ſufficient letters of ſlaines ſhawen; And ordanis the ſaids acts to haue ful effect, & to be obſerved be his hieneſſe and his deputes, during the haill ſpace, mentioned therein; And that na reſpit or remiſſion be admitted in judgement hereafter, except the ſamin be componed be the Theſaurer, ſubſcribed be him, and at the leaſt, paſt his Regiſter.

170 Ratificationes of the priveledges of the College of Iuſtice.

OVR SOVERAINE LORD, And Eſtaites of this Realme, conveened at this preſent Parliament, ratifies and apprievis, for them and their ſucceſſoures, all and quhat-ſum-euer Actes, ſtatutes, conſtitutiones and ordinances, maid be his Majeſtie, or his Predeceſſoures, in favoures of the Senatoures of the College of juſtice, and members thereof: ſen the firſt erection of the ſaid College, to this preſent day and dait, without ony maner of diminution or derogation of the ſamin, in ony ſort, be quhat-ſum-euer vther act or ſtatute, that may or can be extended or interpreted in the contrair, ather ſpecial or generall.

171 Infeſtmentes of the propertie, without conſent of the Comptroller, ar null.

OVR SOVERAINE LORD, With adviſe of the Eſtaites of this preſent Parliament, ratifies and apprievis the acte maid in the Parliament halden at *Edinburgh*, the fifth day of *Iunij*, the zeir of God, ane thouſand, fiue hundreth, fourſcore twelue zeires; Anent the ſetting of infeftmentes of his Majeſties propertie; And decernis and declaris quhat-ſum-euer infeftmentes to be ſet in time cumming of the ſamin, without the Comptrollers conſent, his ſubſcription and paſſing of his regiſter, to be null and of nane availe.

172 Infeſtmentes given be the King, with new richt of Patronage in that part, ar null.

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, conſidering how his Hieneſſe hes bene greattumlie cir-

cumveened in granting of new infeftmentes, to ſindrie perſones of their Landes, including there-with, be their inoportune ſuite; the advocation, donation, and richt of Patronage of diverſe Kirkes and Benefices: quhilk never perteined to them of before; Bot to his Majeſties preſentation, ſpecially quhair perſones provided thereto, is zit on life; And the richt of the Patronage of their Benefice, purchaſſed and taken, during their life-time, without their conſent or knawledge: Tending thereby to appropriate the fruites of the ſaidis benefices, quhair the ſamin ſal vake, to their particular vſes; Not onelie to the great hurt of his Hienes, and prejudice of the Kirk: quhairby all convenient occaſion is abſtracted from his Hieneſſe, to gratifie qualified perſones, quha hes travelled and ar able to ſerue in the function of the Miniſterie, & Preaching of the Evangell: Bot alſo to the great hazard and danger of the perſones, provided to the ſaidis Benefices, zit on life.

FOR Remeid quhairof, our ſaid Soveraine Lord & Eſtaites foreſaid hes ſtatute & ordaned: & be the tenour hereof, decernis & declaris, all ſik infeftmentes, granted in times by-paſt, or to be graunted in times cumming, be his hienes, conteinand the gift & diſpoſition of the right of ony Patronage, advocation & donation of benefice, quhilk perteined of before to his Hieneſſe gift and preſentation: quhairof the beneficed perſon, was for the time, or ſall happen to be aliue, the time of the granting of the ſaid infeftment, and their conſent had and obteined thereto, hes bene fra the beginning, and ſalbe in all time cumming, null and of nane availe, force nor effect, ſa far as concernis the diſpoſition of the richt of Patronage of the ſaidis Kirkes; Bot furder proces or declaratour of onie judge to be given there-upon; And the ſaide advocation, donation, and right of Patronage of the ſaidis Benefices, to returne to his Hieneſſe; and at his diſpoſition and preſentation freelie, as the ſamin was before the granting of the ſaide infeftment; And as gif the ſaidis infeftmentes, had never bene granted: But prejudice alwaies of the ſaidis infeftmentes, anent the remanent landes therein conteined; Quhilk ſal remaine in the awin ſtrength and effect, and this nullitie to be receiued ſummarlie, be way of exception, reply, or objection: Diſchargeing all Iudges within this Realme, to grant onie Proceſſe vpon the right of the ſaid Patronage, be vertew of the ſaidis infeftmentes: bot to halde the ſame as nocht expreſſed therein.

PROVIDING that ſa ſoone as the beneficed mans awin conſent may be had and obteined, to the ſaidis infeftmentes, the ſame to be als ſufficient and effectuall, as gif their conſent had bene obteined thereto, from the beginning.

173 The paine of them that troubles the Parliament, Seſsion and vther Iudgementes

IT IS Statute and ordaned be OVR SOVERAINE LORD, And Lordes of Articles of this preſent Parliament; That quho-ſo-ever ſall happen at ony time hereafter: to ſtrike, hurt, or ſlaie ony perſon within his Hieneſſe Parliament houſe, during the time of the halding of the Parliament, within the Kings inner Chalmer, Cabinette, or Chalmer of peace; The Kingis Majeſtie for the time being within his Pallace, or within the inner Tol-buith, the time that the Lordes of Seſſion ſittis, for adminiſtration of Iuſtice; Or within the Kingis privie Councel houſe, the time of the councel ſitting there; Or quhaſoeuer ſal happen to ſtrike, hurt, or ſlaie onie perſon in preſence of his Majeſtie, quhair-euer his Hieneſſe ſall happen to be for the time, ſall incur the paine of treaſon: and ſall be accuſed therefore, as committers of treaſon and leſe-majeſtie.

AND SIK-LIKE, ſtatutis and ordanis, that quha-ſa-ever ſall ſtrike or hurte in ony time heir-after onie perſon, before our Soveraine Lordis Iuſtice, or his Deputes, ſitting in judgement, or within the inner zette of the Kingis Pallace, quhair his Hienes ſall make his reſidence for the time; Or within the vtter Tolbuith of *Edinburgh*, the time that the Lordes of Seſſion ſittis for adminiſtration of juſtice, ſall incur the paine of death, and ſall be accuſed criminallie there-fore.

AND ALS ſtatutis and ordanis, that quha-ſa-ever at onie time heir-after, ſall ſtrike or hurte onie perſon, before the Baillies of Burghes, Commiſſares, Schireffes, Baillies of Royalties and Regalities, and vther inferiour judges within this realme; they or ony of them, ſitting in judgement, ſall pay an hundreth poundes, to be employed at the diſcretion of the judge offended, and impriſoned in their perſonnes, during the Iudgis will; But prejudice alwaies of the Priviledges granted bee quhat-ſum-euer ſtatute or Actes of Parliament of before; to the Proveſt and Baillies of Burrowes, or quhat-ſum-euer inferiour judges.

AND Laſt it is ſtatute and ordaned, that quho-ſo-euer ſall ſtrike or hurt onie Iudge within this Realme, ſitting in Iudgement, ſall incurre the paine of death, and be accuſed criminally therefoir.

174 Ratification of the Actes maid anent thieft, reſpittes, and remiſsiones ar null, being given without ſatisfaction of the partie.

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, Taking conſideration of the rebellious contempt, vſed be ane great number of his hienes ſubjects, alſweil vpō the *Bordours*

as in the *Hie-landes*, and diverſe vtheris partes of his Hieneſſe Realme: Quha without regard of their dewtifull obedience, paſſis daylie to the horne, for not finding of law ſovertie; Not ſubſcriving of aſſurances in maters of feede, dingis and ſtrickis his Majeſties meſſengers, and vtheris his Hieneſſe Officiares, in execution of their offices: And ſum quha nightlie and dailie rieuis, forrayis, and committis open thieft, rieſe and oppreſſion: For remeid quhairof, our ſaid Soveraine Lord, ordanis the actes & lawes maid of before, anent thieft, thieft-boote, receipt of thieft, interteiners, intercommuneres, receipters and ſuppliers of thieues, to be put to execution, according to the tenour thereof; And ratifies and approvis the ſame in all poyntes; And furder, our ſaide Soveraine Lord, with adviſe of the Eſtaites of this preſent Parliament, ſtatutis and ordanis, that na reſpite nor remiſſion, be granted at ony time hereafter, to ony perſon or perſones, that paſſis to the horne for thieft, rieſe, ſlauchter, burning, or heir-ſhippe, quhill the partie skaithed, be firſt ſatiſfied; And gif ony reſpit or remiſſion ſall happen to be granted, before the partie grieved, be firſt ſatisfied, the ſamin ſalbe null and of nane availe, be way of exception or replie, without ony furder declaratour: except the ſaidis remiſſiones and reſpittes be granted, for pacifieng of the broken Countries and bordoures.

175 *That the writer inſert his name in the bodie of the writte.*

OVR SOVERAINE LORDE, And eſtaites of this preſent Parliament, vnderſtanding perfitelie, that falſettes in-creaſis dailie within this Realme: And ſpeciallie, be the writing of the bodies of the contractes, chartoures, obligationes, reverſiones, aſſignationes, and all vthers writtes and evidentes, be the hand-writtes of ſik perſones, as ar not commounlie knawen, and ar not commoun notares, nor bruikes na commoun Office, as writers within this Realme: And gif the writer were knawin, the ſamin wald giue great licht to the tryall of the trueth of the falſed of the ſaid writ and evident: Therefore his Hieneſſe, with adviſe of the ſaidis Eſtaites in Parliament, decernis and declaris, that all original chartoures, contractes, obligationes, reverſiones, aſſignationes, and all vtheris writtes and evidentes to be maid hereafter, ſall make ſpecial mention in the hinder end thereof, before the inſerting of the witneſſes therin, Of the name, ſur-name, and particular remaining place, dioceſie, and vther denomination of the writer of the bodie of the foreſaid originall writtes and evidentes: vther-waies the ſame to make na faith in Iudgement, nor out-with in time cumming: And to begin vpon the firſt daye of *November*, nixto-cum.

176 Annexation of the propertie to the Croun.

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament: Conſidering the dailie in creaſe of his Hienes charges and expenſes, and diminution of his Hieneſſe rentes of his propertie and commoditie, throw vnprofitable diſpoſitiones maid thereof in time by-gane: Therefore thinkis expedient, that the landes and Lordſhippes vnder-written, be annexed to the Croun; and preſentlie annexis the ſame thereto, followand the example of his Predeceſſoures, for the honorable ſupport of his Eſtaite: & the ſame lands, lord-ſhips, & vtheris hereafter ſpecified, to remaine perpetuallie with the Croun: Quhilkis may nather be given awaie in free frank-tenemēt, penſion, or vther diſpoſitiō to ony perſon, of quhat eſtaite or degree that ever he be of, without adviſe, decreete, and deliverance of the haill Parliament: And for great reaſonable cauſes, concerning the weilfare of the realme: Firſt to be adviſed, and digeſtlie conſidered be the haill Eſtaites. And albeit, it ſal happen our Soveraine Lord that now is, or ony of his Succeſſoures, Kinges of *Scotland*, to annalie and diſpone the ſaidis landes, Lord-ſchippes, Caſtelles, tounes, donation and advocation of the Kirkes and Hoſpitalles, with the pertinentes, annexed to the croun, as ſaid is: Vtherwiſe that the ſame alienationes and diſpoſitiones, ſalbe of nane availe; bot that it ſalbe leſum to his Hieneſſe, and his Succeſſoures, to receiue the ſame landes and rentes to their awin vſe; quhen ever it likis them, without ony proces of Law: And the takers to refound and pay, all profites that they haue taken vp thereof, againe to his Hieneſſe, and his ſucceſſoures vſes, for all the time that they haue had them, with ſik vther reſtrictiones, as ar conteined in the actes of Parliament, maid be his maiſt noble Progenitours, Kingis of *Scotland*, in their annexationes to the Croun. They ar to ſay, the lands of *Beaufort*: The lands of *Pettindreicht*: The landes of *Cowll*: The landes of *Oneill*: The landes of *Fettircarne*: The landes of *Teiling* and *Polgauie*: The landes of *Colbrandiſ-peth*: The Erledome of *Marche*: The landes of *Trabeache* & *Teringzeane*: The landes of *Garriet*, *Leſualt* & *Mennybrig*: The landes of *Cowell*: The landes and lord-ſhip of *Galloway*, abone and beneath *Cree*: The lands of *Duncow*: The Caſtle & lands of *Lochmabene*: The landes of *Glencharny* and *Glenmoreiſtoun*: The landes of *Diſcher* and *Toyer*: The landes of *Kinclewin*: The lordſchip of *Menteith*: The lands of *Roſneith*: The landes of *Bute*: The landes of *Ruthvens* in *Cromar*: The aſſiſe herring in the *Eaſt* & *Weſt* Seas: The lordſhip of *Dumbar*: The lands of *Normangill*, *Quhitegill* and *South-wood*: The lands of *Dunedonald*: The Kingis wark in *Leith*: The Kingis ſtable: The Kings Meedow: The Pallace, zardes, and Parke of *Haly-rude-houſe*: The lordſhippe of *Linlithcow*; without prejudice of the former annexation of the landes and lordſhips abone writen, or ony of them, gif ony be maid of before, with tennents, tennendries, ſervice of free tennentes.

177 De-

177 *Decreetes given within Burrowes, ſuld receiue execution, be letters of horning.*

ITEM, Becauſe there is na execution on borrow actes, but only wairding and poynding: Quhilk is not onelie a great trouble to the magiſtrates, bot hurt and defraud to the partie; In reſpect that ſindrie abſentis their geare: vtheris reſpectis not warding: And that the ſuiting of letters conforme, is baith ſumpteous to the perſewer, and hinderſum; the decreetes beand giuen oft times of ſmal ſummes: Therefore OVR SOVERAINE LORD with conſent of the eſtaites, decernis that the Lordes of councell and Seſſion, ſall direct letters of horning on all decreetes and acts, given be Proueſt and Baillies of Burrowes *inter concives*; and all vther ſubject vnto their juriſdictiones, vpon the ſight thereof: And execution of the officiares, chargeing the party to make payment within fiftene daies; like as is granted vpon Commiſſars precepts: And that the ſaidis letters of horning, proceede vpon an ſimple charge of ten daies allanerlie.

178 *Calfe, Kid, and certaine vther skinnes, ſuld not be tranſported out of the Realme.*

OVR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament, ratifies, apprievis, and confirmis, ane acte maid in his Hienes laſt Parliament, anent the none-tranſporting of calfe and Kid-skinnes and huddrounes foorth of this Realme: And declaris the ſame to be als effectual and ſufficient, as if the ſame were inſert herein, word be word; Notwithſtanding the ſame is not inſert: Anent the quhilk, his Majeſtie with adviſe foreſaid, be thir preſentes diſpenſis for ever, with this addition; That his Majeſtie and Eſtaites of this Parliament, vnderſtanding how neceſſary and profitable the ſchurling skinnes ar for lyning cuſcheones, making of poikes, lyning, puitches, glooues, & claithing of the puir; and vtherwiſe ſerving to diverſe vther vſes, to all his Majeſties Lieges: Quhilkis be the tranſporting and carying of the ſame foorth of this Realme, ar become to an exorbitant dearth; that there-throw, not onlie the skinners ar greattumlie hurt and prejudged, be the in-laik of the leather thereof, quhair-with to worke: As alſwa his Majeſtie importis na profite thereof be cuſtome, nor vther-wiſe; Bot alſwa all vtheris his Hieneſſe Lieges, ar greattumlie hurt and prejudged thereof. Therefore it is ſtatute & ordaned, that na merchād, craftes-man, or vther perſon or perſones, carie, or tranſport, onie of the ſaidis ſchurling skinnes, nor vther skinnes abone mentioned, foorth of this realme, vnder the paine of confiſcation of ſa monie, as ſall happen to be apprehended: The ane halfe thereof to be confiſcat to our Soveraine Lordis vſe, and the vther halfe to the partie that apprehendis the ſame: And fur-

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der punishment of the persones, transporters and contraveeners of this present acte, in their person and gudes, according to his Majesties plea-sure.

179 The custome of Beare.

OVR SOVERAINE LORDE, And Estaites in this present Parliament, statutis and ordanis, that his Hienesse sall haue twentie shillings of custome, of everie tunne of Beare, brocht in this Realme, in time cumming, after the dait hereof.

180 Confirmation of the Deane of Gildes *Iurisdiction.*

FORSAMEIKLE As our Soveraine Lord, and Estaites of this present Parliament, having considered how necessarie and expedient it is, that the power and jurisdiction of the Deane of *Gild*, and their Councell within Burgh, be approoved and allowed, as it is now vsed in the toun of *Edinburgh*: quhilk is to the great furtherãce of justice to our Soueraine Lords Lieges, in al actions & maters concerning merchands; betuixt merchand & merchãd, & betuixt merchand & mariner; quhilk actions, aucht not, nor suld not byde delay; Bot be exped & decerned be the Deane of *Gild* and his Councell summarlie, as men chosen and appoynted zeirlie, be the councel of the Burgh; maist apt and able to judge and decerne in all actiones concerning merchandes, as said is: Quhairfore OVR said SOVERAINE LORDE, With advise of the Estaites in this present Parliament, ratifies and confirmis, the judgement of the said Deane of *Gild* and his Councell, in all actiones, concerning Merchandes; as the same is set downe be the Provest, Baillies, Councell and Deacones of the Burgh of *Edinburgh*: And to haue full strength, force and effect, in all times, according to the lovable forme of judgement, vsed in all gud tounes of *France* and *Flanders*, quhair Burses ar erected and constitute; And speciallie in *Paris, Roan, Bourdeaux, Rochell*: And the particular forme thereof, to be set downe againe in this present Parliament.

181 The commoun good of Burrowes suld be roiped, and imployed to the commoun weill of the Burgh.

OVR SOVERAINE LORDE, With advise and consent of the Estaites in this present Parliament, hes decerned, concluded and ordained: and be thir presentis, decernis, concludis and ordanis, that the commoun gud & patrimony of all Burghs within this Realme, salbe zeirly bestowed, at the sight of the Magistrates and Councell of the saidis burrowes, to the doing of the commoun affaires thereof allanerly, after

after the zeirlie roiping and ſetting thereof, as vſe is: conforme to his Majeſties former actes and ſtatutes, maid anent the imploying of the commoun gude within the ſaidis Burrowes: And that the ſamin be na vtherwiſe beſtowed or converted to quhat-ſum-euer vſe or alteration, maid thereanent, in haill or in part: Notwithſtanding of quhatſumeuer Commiſſion, charge or direction, given be his Majeſtie, at ony time heretofore, be procurement of particular parties in the contrair: And notw ithſtanding quhatſumeuer ſtatute, ordinance or decreete following or preceeding thereupon: Quhilks commiſsions, charges, decreites and ordinances, with all that hes followed, or may follow thereupon; his Majeſtie with adviſe foreſaid, expreſſelie reducis, retreatis and reſcindis be thir preſentes: And ordanis publication to be maid hereupon, to all and ſindrie his Hieneſſe Lieges, that nane of them pretend ignorance, in forme as effeiris.

182 The acte maid in the zeir of God, ane thouſand, fiue hundreth, fourſcore foure zeires, anent ſucceſſoures to benefices, ſuld be extended ad futura *allanerlie,*

FORSAMEIKLE As in the Parliament, halden at *Edinburgh*, the xxij. daie of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth fourſcore four zeires: It was ſtatute & ordaned, that al gifts, Prouiſions, and diſpoſitiones, of ſucceſſories of Prelacies, Abbacies, Priories and Nunries, maid and granted be his Hieneſſe, to quhatſumeuer of his ſubjectes, vpon the reſignationes or dimiſſiones of the poſſeſſoures of the ſaid Abbacies, Priories, and titulares of the ſame, ar, and ſalbe of nane availe, force nor effect, with all that hes followed, or that may follow thereupon, bot ony furder Proces; as at mair length is conteined in the ſaid Act: The quhilk act and conſtitution, being maid againſt the forme of vtheris gude actes and conſtitutiones maid of before, quhilkis were onelie extended *ad futura*; like as of all equitie and reaſon, all lawes, acts, and conſtitutiones of Parliament, aucht onelie to haue effect in ſik caſes as happenis to follow after the making thereof.

THEREFORE OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, decernis, declaris and ordanis, that the ſaid act and conſtitution, ſal haue na effect, force nor ſtrength againſt ſik giftes, proviſions, and diſpoſitiones of Prelacies, and Abbacies, granted be his Hieneſſe at ony time, preceeding the daie and dait of the foreſaid act, to quhatſumeuer perſon or perſones, bairnes or neareſt kinſfolk, vpon the reſignationes or dimiſſiones of the poſſeſſoures, commendatares, or titulares, at the time of their dimiſſion, with reſervation of their awin life-rentes: And decernis, ſtatutis and ordanis, the ſaidis gifts, proviſiones, and diſpoſitiones, to be, and to haue bene fra the dait thereof, ſufficient richtes and titles to them, to bruik the ſaidis Abbacies and benefices, induring their life time: Notwithſtanding the reſervation

in conteined: And caſſis and annullis the foreſaid acte of Parliament; in-ſa-far as the ſamin may be exended to ony gifte and proviſione, of onie Abbacie or Prelacie, diſponed before the ſaid twentie twa daie of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth, fourſcore four zeires, with reſervation, in forme abone expreemed: And decernis the foreſaid act in that part, to haue no force of law, ather be way of action, reply, exception or objection, againſt the validitie thereof: And that the ſaid act, ſalbe extended to ſik proviſiones, and diviſiones of Abbacies and Prelacies, as hes paſt or giuen and granted, ſen the dait, thereof allanerlie.

183 *Ratification of the Priviledges of the College of Iuſtice.*

OVR SOVERAINE LORD, and Eſtaites of this Realme, conveened at this preſent Parliament, ratifies and apprievis, for them and their ſucceſſoures; all and quhatſumeuer actes, ſtatutes, conſtitutiones and ordinances, maid be his Majeſtie, or his Predeceſſoures, in favoures of the Senatoures of the College of Iuſtice, and members thereof, ſen the firſt erection of the ſame College, to this preſent daie and dait, without onie maner of diminution or derogation of the ſamin, in ony ſort, be quhatſumeuer vther act or ſtatute, that may or can be extended, or interpreted in the contrair, ather ſpeciall or generall.

184 *Anent tumultes within the Burgh of* Edinburgh, *and obedience to be given to the Magiſtrates thereof.*

FOr ſameikle as the ouer-ſight & negligence of the civile Magiſtrates, & judges ordinar within this Realme, in putting of decreetes to execution, puniſhing of malefactours & rebelles, & vtherwiſe vſing of their offices, as becummis, partelie for regaird, & feare of ſtrang pairties, & hazard of their own liues: & pairtly throw want of ſufficiēt preparation for that effect; is the originall and principle cauſe, quhairfra the great confuſion and diſordour of this lande, in all eſtaites proceedis. And ſeeing the Burgh of *Edinburgh*, is the chiefe place quhairin greateſt confluence of people is, alſweill of the Nobilitie and Gentle-men, as of vtheris reſorting thereto. Therefore, and that the ſaid Proveſt and Baillies thereof, ar dailie charged, be vertew of their offices, ather at command of letters paſt be deliverance of the Lordes of ſecreit councell and ſeſſion, or bee privat and particular warrandice, foorth of the Kingis Majeſties awin mouth, be miſſiue letters, or vtherwiſe, to take and apprehend perſones of all eſtaites, quha hes contraveened his Majeſties lawes; and to incarcerate, keepe and hald them in ſure waird, quhil juſtice be miniſtred vpon them, as accordis of the law, vnder the paines of treaſon, rebellion, and putting of the ſaidis Proveſt and Baillies to the horne, And vther

the like great paines: For eſchewing the danger quhairof, they ar conſtrayned with ſik readines and promptitude of obedience, as becummis be themſelues in proper perſon, their offices, and vtheris in their names; To ſearch, ſeeke, take and apprehend the ſaidis rebelles, and to incarcerate them, as ſaid is: Nevertheleſſe ſik is the malice and inſolence of all men for the maiſt part; alſweill of certaine inhabitants, within the ſaid Burgh, as of vtheris, that ather of them aſſociating themſelues, with vtheris, regairdes not to make inſurrection againſt the ſaidis Proveſt and Baillies, and his Hieneſſe authoritie: And hes done their vtter power to deforce them in execution of their offices:

Quhairfore, and in reſpect of the frequent aſſemblies of the Nobilitie, and vtheris his Majeſties Lieges, within the ſaid Burgh, to Parliamentes, juſtice courtes, councelles and vtheris conventiones, quhairby it pleaſis his Majeſtie, for eſchewing of great trouble, and diverſe inconvenientes quhilkis may occur, be reaſon of deadlie feedes betuixt great parties, to command the ſaidis Proveſt and Baillies, in their awin perſon, to gairde within the ſaid Burgh, nicht and daie, as occaſion requiris, to their great travell and expenſes and paines: Beſide, that diverſe honeſt perſones, inhabitants of the ſaid Burgh, hes bene ſlaine, mutilat and hurt, in the ſaid ſervice: Neceſſarie and expedient it is, that ſum gude and ſubſtantious remeid be provided, for redreſſing the confuſion and diſordour abone written, to the glorie of God, the eſtabliſhing of peace and quietneſſe within this Realme, and keeping of the inhabitantes thereof vnder his hieneſſe obedience. Therefore the Kingis Majeſtie, & Eſtaites of this preſent Parliament, having conſideration of the premiſſes; with the gude, trewe, and faithfull ſervice, done be them to his Majeſtie, in all times by-gane: ſtatutis & ordanis, that na perſon nor perſones, of quhat eſtate or degree that euer they be of, preſume or take vpon hande, to diſobey, or contraveene the commandement and charge of the ſaids Proveſt & Baillies of *Edinburgh*, preſent and to cum, in the execution of their offices, quhen as they proceede, immediatlie be commande and direction of his Hieneſſe, be vertew of letters, be deliverance of the Lordes of Secreit Councell, & Seſſion: Or be ſtatute & ordinance of the councel of the ſaid Burgh: Or be their awin authoritie and power, aggrieand alwaies with their awin libertie and priuiledges; and not prejudgeand the liberties and priviledges of vtheris. And that na perſon nor perſones attempt nor do ony violence, to them or their officiares in their name, in the execution of their ſaidis offices: Certifieng them, and ilk ane of them that dois the ſame; They ſalbe repute and halden as committers of deforcement, ſeditious perſones, and perturbers of the common weill of this realme: & be puniſhed therefore in their perſons & guds with al rigour, in example of vtheris, according to the lawes of this realme. Attour, for the better performing of the premiſſes, & defēſe of the kirk of God, within this lād, now in thir perellous daies, be the tenour hereof, giues, grantis & committis to the ſaids Proveſt

veſt and Baillies, and their ſucceſſoures, free libertie, full power and authoritie, to convocate and aſſemble themſelues in armour, and to liſt & raiſe men of weire, for dailie, ouklie & monethlie wages, & to beare and vſe hagbuttes, and vther armour quhatſumeuer, at all times, quhen they ſall thinke expedient: For the quhilk na crime nor offenſe ſalbe impute to them, nor their ſucceſſoures: Nor ſal not be called nor troubled in their perſones or gudes, civilie nor criminallie therefore, in ony time cumming, Notwithſtanding of ony Proclamation maid in the contrair, and all paines conteined thereintill: Providing alwaies that the occaſion thereof be firſt ſignified to the Kingis Majeſtie, to the effect that the ſame may be done of his Majeſties knawledge and allowance. And gif it ſall happen ony perſon or perſones, of quhatſumeuer degree they be of, or vthers being in companie with them; to be ſlaine, mutilat, or hurt, in reſiſting, withſtanding, and deforceing of the ſaidis Proveſt and Baillies, preſent and to cum, in execution of their ſaids offices, in maner foreſaid. And als gif it ſal happen ony perſon or perſons, to be hurt, ſlaine or mutilate in redding & putting ſindrie parties meetand in armes, within the ſaid Burghof *Edinburgh*; they alwaies reddingthe ſaidis parties with lang weapons allanerly; and not be ſchutting of hagbuttes and piſtolets, at ony of the parties: In thay caſes, and aither of them, the ſaidis Proveſt and Baillies, Councell and communitie of the ſaid Burgh; nor their ſucceſſoures, nor na vtheris being in companie with them, and aſſiſting thē in the executiō of their ſaids offices; ſalbe na waies, called, troubled, perſewed or moleſted criminallie, nor civilie therefore, in their perſon or gudes, in ony time thereafter; Diſchargeing therefore his Hieneſſe Advocates, Iuſtices Generall, their deputes and Clerkes; Colonelles, Schireffes, and al vther officiares and miniſters of his Majeſties Lawes, preſent and to cum: Of all calling, accuſing, troubling, moleſting, arreiſting, following and perſewing of them, or ony of them, for the cauſes foreſaidis, and of there offices in that part: According to all equitie and Iuſtice.

185 *Anent landes and annual-rentes diſponed to the Toun of* Edinburgh.

OVR SOVERAINE LORD, With adviſe of his Eſtaites in Parliament, hes ratified and apprieved, and be the tenour of this preſent acte; ratifies and apprievis the acte maid of before, in the Parliament, halden at *Edinburgh*, the fifth day of *Iunij*, the zeir of God, ane thouſand, fiue hundreth, four ſcore twelfe zeires: In fauoure of the Proveſt, Baillies, Councell and communitie of the Burgh of *Edinburgh*; bequhilk OVR SOVERAINE LORDE, and his Eſtaites foreſaidis, then ratified and apprieved the donationes, and mortificationes, maid be his Hieneſſe vmquhile deareſt Mother, in her perfite age: And be his Hieneſſe ſelfe, at diuerſe times ſen his Majeſties Coronation

of al lands,tenemẽts,annual-rents,vthers profits & cõmodities quhatsũeuer mentioned in the said act: quhilkis were given & doted for sustentation of the Ministery,hospitalles,& College of the said burgh, as at mair length is conteined in the said act in all pointes, clauses,articles, and circumstances thereof: Quhilkis ar halden for expressed,in this present act. Attour,our said Soveraine Lord,& his saidis Estaites, reuokis, retreatis, and rescindis all and sindrie infeftmentes,giftes and dispositiones, maid be our said Soveraine Lord, to quhatsumeuer person or persones,of the saidis landes,tenementes,annual-rentes, vtheris dewties and commodities quhatsumeuer, sen the daites *respectiuè* of the infeftmentes,giftes and dispositiones maid thereof, to the saidis Provest,Baillies,Councell and communitie of the said Burgh of *Edinburgh*, for sustentation of the said Ministery, hospitalles and College; And declaris the same, with all that followed thereupon,to be in all times cumming, and to haue bene in al times by-gane, null and of nane availe,force nor effect.

And that the persones, obteiners of the saidis infeftmentes,gifts, and dispositiones, sall neuer be heard to mooue action nor quarrell thereupon: Nor founde onie exception or defense, be vertew thereof, against the saidis Provest, Baillies, Councell and communitie,and their successoures, to the effect that they in all times hereafter, without onie impediment or obstacle, may peaceablie bruik the saidis landes, tenements,annual-rentes,vther emolumentes and profites,to the use quhair to they were giuen of before,as said is.

186 Ane mercat granted to Aberdene.

OVR SOVERAINE LORDE, With advise of his Estaites of this present Parliament, giuis and grauntis licence and libertie to the Burgh of *Aberdene*: To hald ane mercatte and publick Faire, within the freedome of the said Burgh, to begin zeirlie hereafter vpon Monondaie, immediatlie before *Whit-sundaie*: And thereafter to continue for the space of aucht daies, with the haill iurisdictiones, freedomes,toll and customes of the same.

187 Anent confirmations of Kirk-landes subscribed of auld be the King, and vnder the priuie seale.

OVr Soveraine Lord,vnderstanding diverse infeftmẽts of few ferme, to haue bene granted of auld be the Prelates of this realme, of their Temporal landes,in fauors of his lieges, lauchfullie maid for iust causes, and with all solemnities requisit: And sindrie infeftmentes,nocht onely granted bee the saidis Prelates, and their convent, vnder their commoun seales and subscriptiones: Bot als, bee the speciall consente and authoritie of his Hienesse Predecessoures, of gude memorie, Namelie, his Gracis Gud-schir King IAMES the Fifth, vnder his subscription and privie seale: Quhilkis according to the Estaite of time were lawfull securities, to the receiuers thereof, and needed na par-

particular confirmation to be interponed thereto, ather be authoritie of the *Paip*, or of our Soveraine Lordis Predeceſſoures; there being na law, ſtatute nor conſtitution received, obliſhing the ſubjectes thereto. And in-caſe ony confirmation had bene requiſite, the ſamin culd import na furder in effect or ſubſtance, then the conſent of the Prince, vnder his ſeale and ſubſcription; According to the quhilkis infeftmentes, the fewaris and vtheris, having richt fra them, their ſucceſſoures, alſweill particular, as vniverſall, hes bene eſtabliſhed in the full richt of the ſaidis Temporall landes, perteining to the ſaidis Prelates, be vertew of the ſaidis fewes, ſwa ſet in maner foreſaid: And neverthelefſe, vtheris affecting the ſame Kirk-landes, and takand occaſion of certaine late ſtatutes, maid anent the confirmation of the ſaidis Kirk-landes; quhilkis tooke beginning and firſt foundament, anent the fewes of Kirklandes, ſett ſen the Moneth of *Marche*, the zeir of God, ane thouſand, fiue hundreth, fiftie aucht zeires: Albeit be poſteriour ſtatutis, extention is maid baith to new and auld fewes, hes purchaſed on their pretended maner, our Soveraine Lordis confirmation thereupon; to the prejudice of the ſaidis firſt fewares: Tending to exclude and debarre them thereby fra their richt, and to acquire the propertie of the ſaidis landes to themſelues, onelie vpon pretext of the ſaid confirmation; His Hieneſſe not willing that the lauchfull richtes and ſecurities of the parties, acquired be them after ſa lang ſpace, ſalbe hurt or prejudged, be quhatſumeuer lawes or conſtitutiones ſubſequent: Or that ſtrangers and thrid perſons quha hes never bene kindlie tennentes in the ſaidis lands, ſall vpon new fewes and confirmationes thereof, purchaſſed be them, prejudge the ſaidis firſt fewares; onelie vpon pretext of wanting of an ordinar confirmation, according to the ſaidis late ſtatutes: OVR SOVERAINE LORD with adviſe and conſent of the Eſtaites, aſſembled in this preſent Parliament, hes ſtatute, conçluded, decerned and ordaned; And be thir preſentis, ſtatutis, concludis, decernis and ordanis, all and ſindrie the ſaidis infeftmentes of few-fermes, ſett of auld, be the Prelates of this Realme, to quhat-ſum-euer his Hieneſſe Lieges and ſubjectes; of quhat-ſum-euer Temporal landes, offices, rentes, rowmes and poſſeſſiones, being authorized be the ſubſcription of his ſaid Gud-ſchir, or ony his Predeceſſoures, and their privie ſeale, in takin of their conſent interponed thereto, to haue bene fra the beginning, to be preſentlie, and in all time cumming, gud, valide, lauchfull, perfite, and effectuall infeftmentes, to the awners thereof, their aires and ſucceſſoures, alſweill particular, as vniverſall: To the effect they may peaceablie bruik, ioyis, and poſſeſſe the landes, and vtheris conteined there-intill: And gif neede beis, to call and perſew, be vertew thereof, quhat-ſum-euer perſones purchaſers of ony poſterior infeftmentes of the ſamin landes, with his Hieneſſe confirmationes interponed thereto; for retreating and reſcinding thereof: And the ſaidis firſt infeftmentes, ſwa maid and granted, as ſaid is, to make full faith in judgement, and out-with, to produce full

action and exception, and to be preferred to quhatſumeuer poſteriour infeftmentes: Notwithſtanding the ſamin wantis ane ordinar confirmation, hauing the conſent, ſubſcription and privie ſeale, as ſaid is: and ſwa oft as the ſamin ſalbe produced in judgement, ather for foundament of ony action, or for prieving of ony exception or reply, in quhatſumeuer judgement or inſtance, quhair as the contraverſie ſall ſtande vpon want and in-laik of confirmation, and that ather the *Paipis* confirmation, or his Hieneſſe, or his Predeceſſoures confirmation is alleged, and offered to be provin (*in forma ſpecifica*) vpon mutuall convention of maintenance of twa diverſe fewes, the ane auld, ſet with the laidis ſolemnities: And the vther lait, & authorized be confirmation, quhidder the ſame be before *litiſ-conteſtation*, or thereafter, vſed be probation of the libell, exception or reply, in quhatſumeuer inſtance, ather vpon perſute of reduction or vtherwiſe the ſamin ſalbe halden and repute, now and in all time hereafter, as valide and ſufficient in all reſpectes, and to proove als ſufficientlie the libell, exception or reply admitted, although the partie be burdened with production of the *Paipis*, or his Hieneſſe Confirmation, as gif ane lauchfull confirmation, maiſt ſolemnelie paſte in the Court of *Rome*, be proces of Commiſſion, or vtherwiſe, be his Hieneſſe or his Predeceſſoures, in maiſt ample forme, with all ſolempities requiſite, were produced: And the libell exception or replie, founded vpon the ſaid infeftment, or vpon our ſaid Soveraine Lordis Confirmation, or the *Paipis* Confirmation alleged requiſite thereto: To be als ſufficientlie provin in al reſpectes, be production of the ſaid infeftment, with this preſent act of Parliament, as gif ane ordinar Confirmation were produced: And this preſent acte of Parliament to be receiued in all judgementes hereafter, alſweill intented and depending in quhatſumeuer part of the proces, as to be intented, and to be obſerved vniverſallie, as ane perpetuall law, in all times hereafter: And willis and declaris, that thir preſentis ſall make expreſſe derogation, to quhatſumeuer actes, ſtatutes or conſtitutiones of Parliament preceeding, anent the Confirmation of the fewes of Kirk landes, or anent double Confirmationes and prerogatiue thereof.

188 Act in favour of the burgh of Aberdene, *for confirmation of their annualles*

OVR Soveraine Lord, and Eſtaites of this preſent Parliament, ratifies, apprievis and confirmis, and of new giues, grantis, & diſponis, to the Burgh of *Aberdene*, all and ſindrie the annualles, few-fermes, Chaplanaries & Prebendaries, quhilks belanged of before, to the Chaplaines of their Paroche Kirke of *Aberdene*, conteined in the gift maid to the ſaid Burgh of before.

189 Annexation of the Abbay of Dumfermeline *to the Croun.*

ITEM, Becauſe it is vnderſtand, that the pouertie of the croun, is the ſpeciall cauſe of the povertie of the realme, and inhabitantes thereof:

and

and that the Patriemonie of the croun being augmented; it is great weill and profite baith of the Kingis Grace, & to his lieges: Therefore our ſoveraine lord, with conſent of his Eſtaites, vnitis, annexis & incorporatis to the croun of this realme, to remaine therewith, as propertie annexed patriemonie & propertie thereof, in al time cumming: and with our Soveraine Lord, & his Succeſſoures for euer: Al & hail the lands, lordſhips baronies, milnes, multures, ſchawes, woodes, parkes, fiſchinges, tounes, villages, burrowes, regalitie, barronies, annual-rentes, tennents, reverſiones, cuſtoms great & ſmal, few fermes, places, houſes, bigginges, caſtles, toures, manour-places, zairdes, orchardes, kirkes, teindes great & ſmall, fruites, rentes, emolumentes, & all & ſindrie vtheris commodities & profites quhatſumeuer, tennentes, tennendries, & ſervice of free tennentes; alſweill to burgh as to land, quhilkis in ony maner of way perteined, or may perteine to the Abbacie or Monaſterie of *Dumfermeline*: lyand vpō the North ſide of the water of *Forth* allanerly: to be in al times hereafter repute & halden, the propertie & patriemonie of the croun: to remaine therewith in all time cumming, after the forme, tenour & ordour of the acts of annexation, maid in the time of our Soveraine Lordis predeceſſoures, King *Iames* the 2. & King *Iames* the 5. & cōforme to al the clauſes conditiones & circumſtances thereof; quhilkis in al poynts ar halden & vnderſtand, as expreſſed, & ſpeciallie conteined in this preſent act, in all time hereafter: It is likewiſe declared, that in the ſaid annexation of the Temporal landes of the foreſaid Abbacie of *Dumfermeline*, lyand vpon the North ſide of the water of *Forth*, ar na waies comprehended, The baronies of *Brunt-Ilād*, alias weſter *Kinghorne*, & *Newbirne*, with annexes & connexes thereof, quhilkis perteined to the ſaid Abbacie of *Dumfermeline* of before, and lyes vpon the North ſide of the water of *Forth*: And quhairin Sir *Robert Mal-vill* of *Murdocarny* Knight, and Sir *Robert Mal-vill* his eldeſt ſonne, and appeirand aire: And *Andro Wood* of *Largo*, were infeft *reſpectiuè*. And furder, our ſaid Soveraine Lord, & his ſaidis Eſtaites, willis and declaris, that the ſaidis Barronnies, with their annexes and connexes, ſall remaine in time cumming, as ſeparate barronies, and nawaies to be comprehended in the ſaid annexation: With ſpeciall proviſion, that all the teindes of the ſaidis landes and lordſhip of *Dumfermeline*, ſalbe vnderſtand, be vertew of this act, annexed to the croune, after the forme and tenour of the ſaid generall act of annexation, maid in the zeir of God, 1587 zeires, and all the teindes of the remanent prelacies and Kirklandes of this realme, ar annexed to the croun. It is alwaies declared, be our ſaid Soveraine, and his Eſtaites of Parliament, that the Lordſhip and barronnie of *Muſſelburgh* Schire, with annexes and connexes, free regalitie, partes and pendickles of the ſamin: Ar nocht comprehended in the ſaid annexation: nor ſall not be comprehended in ony annexation, to follow thereafter, becauſe the ſaid Lordſhippe & Barronnie, with annexes, connexes, free regalitie, partes & pendickles

of the ſamin, being ane pairt of the patrimonie of the ſaid Abbacie of *Dumfermeline*, was excepted furth of the firſt general annexation of the Kirk-landes to the Crown. And *Iohn* Lord of *Thirleſtane*, Chancellar to OVR ſaid SOVERAINE LORD, and Dame *Iane Fleming* his ſpouſe, for them & their aires were heretablie infeft therein. Quhilks Lord-ſchippe and Barronie, they haue laiteie reſigned in our ſaid Soveraine Lordis handes, for infeftment of lyfe-rent theirof, given to the Queenis Majeſtie for all the daies of hir Hienes life-time. And for ane vther infeftment of the heritabil fee theirof, given to the ſaid Iohn Lord *Thirleſtane* Chancellar foreſaid, his ſaid Spouſe, and their aires mail and of tailzie heritablie. Quhilkis infeftmentes, our ſaid Soveraine Lord, with adviſe and conſent of his foreſaidis Eſtaites, ratifies & confirmis be thir preſentes, and for his Hieneſſe and his Succeſſoures, willis and grantis, that the ſamin, ſtand in full force, ſteed and effect, in all time hereafter: And ordanis the ſaid new infeftment, given to the ſaid IOHN, Lord *Thirleſtane*, his ſpouſe, and their aires foreſaidis, to be inſert in the buikes of Parliament, gif neede beis.

160 Act of the new gift of Dumfermeline, *with the Monkes portiones, to the Queenes Maieſtie.*

ITEM, OVR SOVERAINE LORD, With conſent of his ſaidis Eſtaites, hauand conſideration that his Hieneſſe beand in *Vpſlo* in *Norway*, the twentie foure day of *November*, the zeare of God, ane thouſand, fiue hundreth, four-ſcore nine zeares, for diverſe occaſiones mooving him, gaue and diſponed to his deareſt ſpouſe, ANNA Queene of *Scottes*, al & hail the lord-ſhip, baronies of *Dumfermeline*, with al lands, tounes, manour-place, milnes, multures therof, lyand on the North ſide of the water of *Forth*; to be bruiked and poſſeſſed be her, for all the daies of her life-time, as at mair length is conteined, in the ſaid gift, of the dait foreſaid: And now willing that his ſaid deareſt ſpouſe ſal bruik and ioyis the ſaid gift, for all the daies of her life-time, according to the tenour thereof, and to the promiſe maid be him, and be his ſaidis Eſtaites, to his deareſt brother CHRISTIANVS the Fourt of that name, King of *Denmarke*: THEREFORE Our Soveraine Lord, with conſent foreſaid, confirmis, ratifies and apprievis the ſaid gift, chartour, and ſeaſing following there-upon; and all and ſindrie heades and articles conteined therein: And promiſes faithfullie to obſerue, keepe and fullfil, and cauſe the ſamin to be keeped, obſerved and fulfilled.

Maireover, for the cauſes foreſaidis, OVR SOVERAINE LORD, with conſent of the ſaidis Eſtaites, giues and diſponis of new, to his ſaid deareſt ſpouſe; All and haill the ſaid Lordſhip of *Dumfermeline*, lyand as ſaid is: With al lands, barronnies, places, houſes, bigginges, Caſtles, toures, Fortalices, manour-places, zairdes, orchardes, milnes, wooddes, fiſchinges, Kirkes, teindes great and ſmal, fruites, rentes, emolumentes

lumentes perteining thereto, with power and jurisdiction of regalitie of the samin, for al the zeires and terme of her life-time: And likewise with all Monkes portiones, perteining to the said Abbacie, to be bruiked be her, induring the said time: And to be peaceablie intrometted with be her factoures and Chalmerlaines, in her name, als freelie as our Soveraine Lord may bruike and possesse the same, be reason of the annexation foresaid: Or as ony Abbot or Commendatar hes bruiked or possessed the same, in ony time by-gane: And to that effect, our Soveraine Lord, with consent foresaid, cassis, retreatis, rescindis, and annullis all and sindrie giftes and dispositiones of Monkes portiones, perteining to the said Abbacie, maid and given be his Hienesse, to quhatsumeuer person or persones, for quhatsumeuer cause or occasion, before the daie and dait of this present act of constitution.

191 *Acte concerning the Queenes Maiesties richt to the thrid of* Dumfermeline, *and compensation, for sameikle as presently wants thereof.*

FORSAMEIKLE As immediatly after the Mariage contracted & solempnized betuixt the King and Queenes Majesties, our Soveraines Lord and Ladie: His Hienesse, for the singular loue and affection borne toward her; gaue, granted, and confirmed to her, in forme of morning gift, all and haill, the Lordshippe of *Dumfermeline*: with all barronnies, landes, principall mansion, houses, zairdes, pastoures, milnes, multures, milne-landes, teindes, alsweill great as small, wooddes, schawes, coales, coale-heuches, fischinges, & al vtheris pertinentes thereof, quhatsumeuer, alsweill vnder the earth, as abone, lyand on the North part of the water of *Forth*: Quhilkis landes, barronnies, with all abone specified, his Hienesse of before had vnited, annexed & incorporated, in ane hail and free Lord-shippe, for payment of ane siluer pennie, at the feast of *Whit-sunday*, in the name of *Blench-ferme*: Like as at mair length is conteined in the said gift, daited at *Vpslo*, in *Norway*, the xxiiij. day of *November*, the zeir of God, 1589 zeires: And thereafter her Majestie was infeft and gat possession, & saising of the said Lordship, vpon the daie of *Maii*, the zeir of God, 1590. zeires: Quhilk gift, infeftment, and hail contract of Mariage, is ratified, approued, and promised to be accomplished be his Hienesse, and his Estaites; As his confirmation, vnder his great seale, and vnder the seales and subscriptiones of his saidis Estaites, daited and delivered to the Embassadoures of *Denmarke*, vpon the xvij. day of the said moneth of *Maij*, the zeir of God foresaid. As alswa in the Parliament, halden at *Edinburgh*, vpon the fifth day of *Iunij*, the zeir of God, 1592 zeirs, our said Soveraine, with advise & cõsent of his Estaites in Parliament, ratified & approued the said cõtract of mariage, morning gift, & als the charter, precept, & instrument of saising given be his Hienesse, to the Queene his deerest spouse, according to the said contract,

Of

Of the Palice of *Linlithcow*, with the Lord-ſchippe and landes of the ſame, zairdes, paſtures, loches, fiſchinges, milnes, multures, coales, coal-heuches, rentes, fermes, victualles, cuſtumes, with advocation & donation of benefices, tennentes, tennendries, ſervice offrie tennentes annexed and connexed landis, partes, pendickles & pertinentes theirof, quhatſumever lyand within the Schireffe-dome of *Linlithcow*, and als the Erledome of *Fiſe*, with the Pallace and Caſtle of *Falk-land*, lord-ſhip, landes, wooddes, ſchawes, paſtures, rentes, fermes, dewties, cuſtomes, milnes, multures; with aduocation and donation of benefices, tennentes, tennendries, and ſervice of free tennentes, annexed and connexed landes, partes, pendickles, and pertinentes quhatſumeuer, alſweill not named as named; lyand within the Schireffe-dome of *Fiſe*, and haill contentes thereof, according to the ſaid Chartour, of the dait, at *Haly-rude-houſe*, the elleuenth day of *Maij*, the zeir of God, ane thouſand, fiue hundreth, fourſcore ten zeires. And furder, decernand and declarand, that the ſaid contract of Mariage, haill clauſes and contentes thereof, the ſaid Morning gift, the ſaid Lordſhippe of *Dumfermeline* renewed, as ſaid is, abone ſpecified: The Chartoures, precepts, and inſtrumentes of ſaiſing of the ſaid Erledome, Lordſhippe, and vtheris abone ſpecified: To haue bene maid and done, to the honour, weill and profite of his Majeſtie, and his Hieneſſe Croun, and to the weill and commoditie of the haill realme: And therfore decernand and ordainand, the ſame to ſtand effectual, and to be inviolablie and faithfullie obſerved, keeped and fulfilled, in all pointes, and in all time cumming: And that the ſaid decreete and ſentence of Parliament, ſuld be extracted, vnder the great ſeale, and ſeales of the haill Nobilitie, Barronnes, Clergie, and Commiſſioners of Burrowes, Lordes of Articles of the ſaid Parliament, gif need were; quhairthrow his Hieneſſe, and his Eſtaites, repreſenting the haill bodie of this Realme, ar obliſhed to the accompliſhment and fulfilling of the ſaid contract, morning gift, infeftmentes and titles, maid to OVR ſaid SOVERAINE LADIE, in maner before ſpecified.

Nevertheleſſe becauſe throw occaſion of ſindrie vnprofitable diſpoſitiones, maid of ſindrie partes, of the frutes and rentes of the ſaide Lord-ſhippe of *Dumfermeline*, partlie before, and partlie after the ſaid morning gift; the full rentes of the ſaid Lord-ſhippe, according as it is valued, could nocht be gotten, and timouſlie brocht in to her Majeſties proper vſe: OVR ſaid SOVERAINE LORDE, hes bene diverſe times mooved be his deareſt brother, couſing, and allia, the King of *Denmark*, and his Embaſſadoures, in his name, ſent in this Realme; That the ſaid Morning gift might be maid gud, to the Queenes Hieneſſe; and ſhe entred in reall poſſeſſion thereof, to her awin proper vſe: Quhairanent treatie being had, betuixt his Majeſtie, and certaine of his Councell in his name, and the Embaſſadoures of his ſaid deareſt Brother couſing, and allia the King of *Denmarke*; Reſolution is taken, that her Majeſtie, and her Chalmerlane in her name, ſall haue full and real poſ-

ſeſſion

ſeſſion of the ſaid Lordſhippe of *Dumfermeline*, and ſa monie of the rents and fruites thereof, as ar preſentlie free and vnvitiat: And ſall haue alſwa compenſation out of the rentes and properties of the Croun, be infeftment of ſpecial landes and poſſeſſiones, as wil extend in certaine and free rent, al chairges deduced, to the ſumme of ſex thouſand punds money of this realme, zeirlie to be intrometted with and vptaken be her hienes awin chalmerlane in her name, and to hir behooue and proper vſe, quhil ſik pairtes of the rents of *Dumfermeline*, as are now poſſeſſed be ſum in life-rentes, may accreſſe be their deceas; & the pretended titles now ſtandand vpon the rents and fruites of the ſaid lord-ſchip of *Dumfermeline*, may be annulled and taken away be ordour of law and Iuſtice. And the ſame rents recovered and maid peceable to be intrometted-with, be her hienes & her chalmerlane, to her proper vſe & behooue, quhilk God willing is to be performed, within the ſpace of ane zeire and ane halfe, quhilk will bee maiſt acceptable vnto her Majeſtie, and aye as onie pairt of the rent of *Dumfermeline* now vitiat ſalbe recovered, and her Hienes in peaceable poſſeſſion theirof, als meikle of the ſaide compenſation out of the propertie ſalbe relieved and returne, to be receiued and intrometted-with bee his Hienes Comptroller, to his Majeſties awin vſe.

Mair-ouer our ſaid Soveraine Lord, conſidering that the haill Lordſhippe of *Dumefermeline*, alſweill landes as teindes, thrid as twa part, is conferred to our ſaid Soveraine Ladie, his deareſt ſpouſe, in her morning gift, as ſaid is: And that it is alreadie found be his Majeſtie, be ane act maid, with adviſe of the Lordes, and vtheris of his privie Councell, Seſſion and Checker, authorized, allowed and approoved ſenſine be his Hieneſſe Eſtaites in Parliament: That the thriddes of benefices, and *ſuperplus* thereof, being deſtinat for ſupport of the publick affaires, and ſuſtentation of the Miniſterie, micht be diſponed, given, or employed na-vtherwaies, bot to the ſaid vſe and effect, for the quhilk they were appointed at the beginning: And ſiklike, that na penſiones, tackes, or life-rentes of the ſaid *ſuperplus*, micht, or may be diſponed in time cumming, for onie langer ſpace, nor the ſpace of ane zeir: And that after the making of the zeirlie aſſignationes of the Miniſters ſtipendes, and ſufficient proviſion for ſuſteining of his Majeſties houſe zeirlie: Decernand and declarand, all and quhatſumeuer penſiones, life-rents, and tackes, purchaſed, or to be purchaſſed, quhairby the thriddes *ſuperplus* thereof: Or the firſt and beſt rentalles thereof, hes bene diminiſhed or altered, ſen the firſt aſſumption of the ſaidis thriddes, granted ather be OVR ſaid SOVERAINE LORDIS deareſt Mother, or be his Hieneſſe ſelfe, to quhat-ſum-euer perſon or perſones, vpon wrang report or importune ſuite, without cognition preceeding of the ſuſtentation of the Miniſterie, and ſufficient proviſion for ſuſteining of his Maieſties Houſe, to haue bene fra the beginning, and to bee in all time cumming of nane availe, force nor effecte:

Not-

Notwithſtanding quhat-ſum-euer ratificationes or confirmationes following there-upon: And like as the generall Collectour, be himſelfe his Chalmerlaines,and vnder-receiuers in his name, ar ordaned to aske, craue, receiue, intromette,and vp-take all and haill the thriddes of benefices,within this Realme,vnaſſigned to the Miniſterie,quhair the firſt and beſt rentalles of the ſame ar altered or diminiſhed, ſen the firſt aſſumption of the ſaidis thrides, of the croppe and zeir of God,ane thouſand,fiue hundreth, fourſcore ſeuen zeires: And ſiklike zeirlie in time cumming;according to the rentalles maid compt of,in the zeir of God, ane thouſand,fiue hundreth,fourſcore four zeires,and laſt thereof: And gif the ſaidis thriddes be diminiſhed,or hurt ony waies, be the ſaidis laſt rentalles,and aſſumptiones thereof, ſen the firſt aſſumptiones of the ſaidis thriddes,maid in the zeir of God,ane thouſand,fiue hundreth,threeſcore ane zeires: The ſaid Collectour to haue recours to the firſt aſſumption,forſameikle of the ſaidis thriddes, as the ſamin ar diminiſhed, be the laſt aſſumption: And to charge for the ſame, without reſpect of ony penſion, tack,life-rent, or diſcharge of the ſaidis thrides,and *ſuperplus*, or onie part thereof, altered or diminiſhed in the rentalles, ſen the firſt aſſumption of the thrides,as ſaid is: Swa now, our Soveraine Lord, be adviſe of his Eſtaites in this preſent Parliament;ordanis and giues,ful richt and power,be the tenour hereof,to the Queene his deareſt ſpouſe, our Soveraine Ladie,be her ſelfe,or her Chalmerlane,in her awin name and to her proper vſe and behooue: To aske,craue,receiue,intromette and vp-take, the haill thrid of the ſaid Abbaie and Lorſhippe of *Dumfermeline*: Suſteining the Miniſters,ſerving at the proper Kirkes thereof, in ſtate as they were aſſigned, at the time of the making of the ſaid morning gift,or furder at her gud pleaſure: And that the *Whit-ſundaies* terme laſt by-paſt,*Martine-mes*, nixt-to cum: And of the croppe & zeir of God, ane thouſand,fiue hundreth, fourſcore threttene zeirs: And ſiklike zeirlie in time cumming,during her life-time:according to the firſt aſſumption of the thrid of *Dumfermeline*,and compt maid thereof in the crop and zeir of God, ane thouſand,fiue hundreth,threſcore ane zeires: And ſiklike, ordainis that the Lordes of Councell and ſeſſion, ſall na-waies graunt onie ſuſpenſion or relaxation fra the horne, to onie perſone or perſones,charged or denunced,for payement of the ſaid thrid of *Dumfermeline*, altered or diminiſhed fra the firſt and beſt rentall, as ſaid is, quhill the ſummes and victualles charged for, be firſt payed to her Majeſtie,and her Chalmerlaine in her name: Notwithſtanding quhatſumeuer penſion,tack,life-rent or diſcharge,purchaſſed,or to be purchaſſed, of the ſame thrid,quhair the firſt and beſt rental is altered or diminiſhed as ſaid is,of this inſtant croppe,and zeir of God,ane thouſand, fiue hundreth, fourſcore threttene zeires, and zeirlie in time cumming, during hir life-time,as ſaid is: Bot that the ſaidis Lordes,ſall repute and eſteeme the ſame as null in the ſelfe: And the ſaid nullitie to be receiued,alſweill be way of exception, as action; But prejudice neverthelefſe of quhatſum-

ſumeuer heritable infeftments, granted be our Soverain Lord, quhairby the condition of the ſaids thrides ar altered or diminiſhed: Attour, our Soverain lord, with adviſe of his Eſtaites of Parliament, in reſpect of the ſaid Morning gift, ſa faithfullie and ſolempnedlie promiſed to bee vpſet and maid gud: decernis and declaris, al giftes and proviſiones, maid of the title of the Kirkes of the ſaid Abbaie and Lordſhippe, ſen the dait of the ſaid Morning gift, to quhatſumeuer perſones; to be likewiſe null fra the beginning, and to be in all times cumming, of nane availe, force nor effect: And the ſaid nullitie to be received, be quhatſumeuer judge, alſweill be way of exception, as action; Notwithſtanding ony diſpenſation or act of Parliament, maid or to be maid in the contrair. Mairattour, our ſaid Soveraine Lord, with adviſe of the ſaidis Eſtaites of Parliament, conſidering that the Queene his deareſt ſpouſe, is infeft and ſaiſed in the ſaid Lordſhippe of *Dumfermeline*, granted to her in morning gift, as ſaid is, during her life-time; with tennentes, tennandries, ſervice of free tennents, advocation, donation and richt of Patronage of Kirks, benefices, and Chaplanaries perteining thereto. And that her Majeſtie is likewiſe infeft in life-rent, in the ſaid Erledome of *Fife*, and Lordſhippe of *Linlithcow*. And attour and beſide the ſame, in the thrid part of the propertie of the Realme of *Scotland*; and all Proventes, rentes and emolumentes of the ſame propertie, perteining to his Hieneſſe, or propertie of the Realme, all ratified and apprieved be his Hieneſſe and his Eſtaites of before in Parliament. And to the effect that the ſame may be the better preſerved from vnprofitable diſpoſitiones, in time cumming; and his Hieneſſe, his Eſtaites and Realme the better relieued: Her Hieneſſe, with his Majeſties ſpecial adviſe and conſent, hes nominate certaine perſones of his Hieneſſe privie Councel, Seſſion and Checker: They ar to ſay, *Alexander*, Lord of *Vrquhart*, Preſident of the Colledge of Iuſtice, *Walter*, Commendatar of *Blantyre*, Keeper of the privie Seale, Maiſter *Iohn Lyndeſay* of *Balcarras*, Maſter *Iames Elphinſtoun*, of *Inner-nochtie*, Maiſter *Thomas Hammiltoun* of *Drumcarnie*, *Alexander Hay* of *Eaſter-Kennet*, Clerk of Regiſter: And Maiſter *Peter Young* of *Sealoun* Eleemoſynar to his Majeſtie, to be alſwa of her Hienes Councel, in thinges tending to her honour and commoditie; inbringing and ſpending of her living; & in the adminiſtration of the affaires concerning the ſamin living, namelie in hearing of the compts thereof, and touching the paſſing of preſentation of Kirks and benefices, Prebendaries, Chaplanaries, and Altarages: or Maſters and members of Hoſpitalles, quhair of her Hienes hes the gift and richt of Patronage. And in receiving and entring of free tennentes, vpon retoures, or *clare conſtat*, or vpon reſignationes, or in granting of confirmationes: Or ſetting of tackes of landes, teyndes, or vtheris poſſeſſiones, or making of quhatſumeuer diſpoſitions. Quhilkis Counſellers, hes maid faith to giue her Hieneſſe their trew adviſe and counſell in the premiſſes: Like as her Hieneſſe, with adviſe of our ſaid Soueraine Lord her husband, for his intereſt, is weill

contented: and hes promiſed in the word of a Princeſſe, to follow the gude adviſe of her Hieneſſe Counſelloures in the premiſſes. And that ſhe ſhall not deteroriate her ſaid Morning gift, or vther her ſaid life-rent landes and living, be her deede and occaſion: And that na writ, evident or precept, that ſalbe preſented there-anent, ſalbe paſt their Majeſties hands, quhil the ſame be firſt ſeene, red and deliberatelie conſidered be her ſaid Councel, and ſubſcribed be them, at the leaſt foure of them conveened togidder: The ſaid Lord Præſident alwaies being ane, teſtifiand the mater to be lauchfull, and for her Hieneſſe honour and commoditie, without the quhilk her Majeſties ſeale ſall not bee appended nor affixed thereto: Nor the ſame writ, euident or precept ſalbe of nane availe, force nor effect, to the Purchaſſer. To the quhilkis, all and ſindrie premiſſes, Our Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, interponis his conſent and authoritie, ratifiand, allowand and apprievand the ſame for euer. *Sic ſubſcribitur,*

IAMES R.
ANNA R.

129 *Act anent the Burgh of* Forfare.

OVR SOVERAINE Lorde, vnderſtanding, that be acte and ordinance maid anent obſervation of the Sabboth-day, within this Realme: The mercatte-daie of the Burgh of *Forfare*, being the head Burgh of the Schire, quhilk was Sundaie, is taken from them; And his Hieneſſe not willing that they in onie waies ſuld be prejudged hereby: Therefore his Hieneſſe, with adviſe of the eſtaites of this preſent Parliament, alteris & changis their ſaid mercat-day, from Sunday to Fridaie, And willes the ſamin Fridaie, ouklie to be their mercat daie to them, in all times hereafter: And the ſamin to ſtande with the like Priviledges and freedomes, as the Sundaie did of before.

THE

Ane Table of the particular Actes and vtheris, maid be King IAMES the Sext, in this threttenth Parliament, the fifth of *Iunij*; 1593 zeires, not imprinted.

THE Decreete of reduction of the doome and forefaltour, led and deduced againſt vmquhil Iohn Lindeſay *of* Wauchop.

2 *Particular exceptions concerning new infeftments, with richt of Patronage.*

3 *For mending of the Calſay of the* Cannongate, *and outwith the Water zet.*

4 *Ratification of the Privileage of the College of Iuſtice.*

5 *Commiſſion to the Checker, anent deciding of ſuſpenſiones in the Kingis cauſe.*

6 *Commiſſion anent the Cuinzie.*

7 *Ratification of the liberties and Priviledges of Burrowes.*

8 *Act in fauour of the toun of* Edinburgh, *concerning the reparation of their* Tolbuith *and walles.*

9 *Acte in fauour of the Biſhoppe of* Aberdene, *anent the temporall landes thereof.*

10 *The diſſolution of the Perſonage and Vicarage of* Kirk-liſtoun.

11 *Commiſſion anent the Miniſters ſtipendes.*

12 *Anent the Kingis privie Councell.*

13 *Supplication of the Miniſter of* Dumfermeline, *remitted to the Queenes Maieſties Councell.*

14 *Ratification of the Erle* Marſchel, *anent the College of* Aberdene.

15 *Act in fauour of the Erle* Marſchel, *anent the Haven of* Peter-head.

16 *Act in fauour of* Andrew, *Lord* Stewart *of* Ochiltrie.

17 *Act in fauour of the Laird of* Baſſe.

18 *Ratification of the Laird of* Edmond-ſtoun.

19 *Act in fauour of* Coline Mak-kenzie *of* Kintaill.

20 *Act in fauour of the Duke of* Lennox, *anent the ſuperioritie of the Biſhoppricke of* Saint-Andrewes, *and* Glaſgow.

21 *Confirmation of the Burgh of* Aberdene *of their annualles.*

FINIS.

THE XIIII. PARLIAMENT, HALDEN AT EDINburgh, the aucht daie of Junij, the zeir of God,

ane thouſand, fiue hundreth, foure ſcore fourtene zeires
Be the richt excellent, high, and mightie Prince, IAMES
the Sext, be the grace of God King of *SCOTTES*;
With adviſe of his Eſtaites as followis.

193 *Againſt wilfull hearers of* Meſſe.

OVR SOVERAINE LORDE, with adviſe of his Eſtaites of Parliament, ſtatutis and ordanis, that in al time cumming, al wilful hearers of *Meſſe* and conceilers of the ſame, bee execute to the death, and their gudes and geare eſcheitted to his Hienes vſe, ſa ſoone as they ſalbe founde guiltie & conviſt thereof, or declared fugitiue for the ſame, before the Iuſtice Generall, or his deputes, or the Lordes of his Majeſties priuie councell.

194 *Anent ſatiſfaction to the Kirk be* Papiſtes

OVR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament; Ordanis all Presbyteries within this Realme, to cauſe lauchfully ſummound, and charge quhatſumeuer perſones *Papiſtes*, or ſuſpected of *Papiſtrie* within the boundes of their Presbyteries, perſonally, or at their dwelling places, To compeir before the ſaidis Presbyteries, and ſatiſfie the Kirk and Presbyterie, quhair they remaine and makis reſidence, betuixt and the firſt daie of *Auguſt* nixt-to-cum: And incaſe of their not-compearance, or compearing, ſal refuſe to giue obedience and make ſatisfaction, as ſaid is, betuixt and the ſaid day; His hieneſſe with adviſe of his Eſtaites foreſaidis, ordanis ſignification thereof to be maid be the Presbyterie to his hienes privie-councell: and vpon the ſaid ſignification, the privie councel to direct letters, chargeing the ſaidis perſones *Papiſtes*, or ſuſpected of *Papiſtrie*, to compeir before them, and produce ſufficient teſtimonial of the Presbyterie quhair they remaine, of their ſatisfaction as ſaid is, vnder the paine of rebellion, and putting of them to the horne: And gif they failzie, to denunce them thereto: Bee the quhilk denunciation, our ſaide Soveraine Lorde

and

and Eſtaites foreſaidis, declaris, that not onelie their movable gudes, ſall fall in eſcheitte, and be confiſcat to his Hieneſſe vſe; bot the life-rent of quhatſumeuer their landes, rowmes, poſſeſſiones, and vtheris belanging vnto them, ſall appertaine to his Hieneſſe as eſcheitte: To be intromet-ted-with, and diſponed vpon, as he thinkis gude. And in like maner declaris; that quhatſumeuer perſon or perſones, ſall receipt, ſupplie, or inteine the ſaidis *Papiſtes*, after the intimation of their diſobedience, and denunciation, as ſaid is, ſall incurre the ſame penaltie of tinſell of their gudes, geare, and life-rent: And to the effect that the premiſſes may be the better accompliſhed: His Hieneſſe and Eſtaites foreſaidis declaris; that in-caſe the ſaidis Presbyteries, beis found remiſſe or negligent in citation of the ſaidis Perſones before them, to the effect abone written: The Miniſters of the ſaid Presbyterie, or onie ane perſon of the Miniſterie thereof, in quhom the fault ſalbe tryed, ſall amit and tyne the ane halfe of their benefice or ſtipend that zeir: And the Collectour and his depute, ſall vp-lift the ſamin, to be diſponed be the adviſe of the Lordes, modifiers of the Miniſters ſtipends, to the help, ſupplie, and interteinement of vther Miniſters, as yet not provided to ſufficient ſtipendes.

195 Againſt erectiones after the Annexation.

OVR SOVERAINE LORD, With adviſe of his Eſtaites in Parliament, retreatis, reſcindis, and declaris, al erectiones granted and ratified, ſen the Acte of Parliament maid in the zeir of GOD, ane thouſand, fiue hundreth, four-ſcore ſeuen zeires, anent the annexation of the Temporalities to the Croun (quhilkis ar not ſpeciallie excepted in the ſaid acte, from the ſaid annexation) to be null and of nane availe, force nor effect.

196 For proviſion of commoun Kirkes.

OVR SOVERAINE LORD, And his Eſtaits in this preſent Parliament, decernis and declaris, all commoun Kirkes to be of the ſame nature of vther Perſonages and Vicarages: And ordanis the ſame commoun Kirkes to be conferred be preſentation of the lauchfull Patrone, and ſufficient collation to Miniſters, ſerving thereat, ſeeing they ar benefices of Cure.

197 Anent eſcheittes and life-rentes of Excommunicate perſones.

FORSAMEIKLE As there is diverſe perſones denunced Rebelles, quha being ſuſpected of *Papiſtrie* of before, and fearing the ſentence of Excommunication to haue followed againſt them, hes procured the gifts of their eſcheittes and life-rentes, diſponed be our So-

veraine Lorde, to their bairnes or vtheris conjuncte perſones; vpon hornings execute againſt them for ciuill cauſes. And neverthe-leſſe hes reteined the poſſeſſion of their haill guds, geare, landes, poſ-ſeſſiones, as gif they had remained his Hienes faithful and obedient ſub-jectes, quhilk hes giuen them occaſion to continew in their rebellion: as alſwa in their ſuperſtitious opinion of *Papiſtrie*, and remaining vnder the ſaid ſentence of excomunication, in manifeſt contempt of God his trew religion, and Lawis of this Realme. For the repreſſing of quhilkis contempt and remeid theirof: our ſaid SOVERAINE LORD, with adviſe of the Eſtaites in this preſent Parliament, decernis and de-clairis al and quhat-ſum-ever giftes of eſcheittes and life-rentes, granted to the ſaids bairnes and conjunct perſons of ony of the foir-named per-ſones, denunced rebels and put to the horne, for quhat-ſum-euer cauſe (quha being ſuſpected of *Papiſtrie* of before, hes ſuffered the ſentence of excommunication to paſſe aganiſt them: & quhais guds, geare, lands and poſſeſſions may be verified to haue remained in their awin poſſeſſi-ons, as gif they had remained faithfull and obedient ſubjectes) to haue bene fra the beginning, and to be in all time cumming, null and of nane availe, with all that hes followed, or may follow their-vpon: Not-with-ſtanding quhat-ſumever decreites or declaratours given and paſt in fa-uour of the ſaids rebelles, their bairnes or conjunct perſones, & the richt of the ſaid eſcheit guds, gear, and life-rents, to haue perteined, and to per-tene to our ſaid Soveraine Lord, and to be at his gift and diſpoſition, als freelie as gif the ſaids pretended giftes and diſpoſitiones thereof, had ne-uer bene granted nor diſponed to their ſaidis bairnes and conjunct per-ſonis, and as declaratour had not paſt their-vpon.

198 For the better obſerving of the Sabboth day.

ITEM, OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ratifies & apprievis the Actes maid be his Hienes of before, anent the diſcharging of halding of mercattes vpon the Sab-both day, with this addition; That quha-ſoever prophanis the Sabboth day be ſelling, or preſenting and offering to be ſauld vpon the ſaid day, ony guds, or geare, or quhatſum-ever vther merchandiſe be themſelves or anie vther in their name, and beis three ſeverall times lauchfullie con-vict theirof, ather before the Proveſt and Baillies within burgh, quhair the prophanation ſall happen to be committed, or before certaine com-miſſioners, & Iuſtices in every Presbytery, to be appoynted be the Kings Majeſtie, with adviſe of his privie Councell, their haill guds and gear ſalbe eſcheited to his Majeſties vſe, & their perſones puniſhed at the wil of his Majeſtie, with adviſe of his ſecreit Counſe ll

199 *For releiſe of them, quhais landes are, or ſall be deſigned for Manſes and Glebes to Miniſteres.*

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, vnderſtanding that there are ſindry fewares and poſſeſſors, having Kirk-landes neir adjacent to the Kirk, quhair their hes bene na manſes nor gleibe of auld, nor zit deſigned of new, and conſidering, that it were baith againſt reaſon and gude conſcience, that their ſuld be ane gleibe deſigned onelie of the ſaidis Kirk-landes, that pertenis to ane Fewar and poſſeſſour, and not of the reſt, and ſpeciallie quhair the haill Lands within the Parochin, or ane great part of the ſaidis lands are alike halden of the Kirk, and payis the like dewtie.

THEREFORE to the effect, that the Miniſters may be the better anſwered of their manſes and gleibes in time cumming, and enter theirto but onie trouble or contention, conforme to the former Acte of Parliament, maid anent Manſes and Gleibes of the Miniſters, ſtatutis and ordainis, that quhair deſignation of Manſes and Gleibes beis maid and tane of Kirk-land, (the haill Parochin, or ane greate part thereof being Kirk-land: And the Miniſter notwithſtanding deſigned to the Kirk-land, maiſt eweſt and adjacent to the Kirk) That the fewars, poſſeſſours and tackeſ-men, out of quhais landes, the Manſes or Gleibes are deſigned, ſall haue their reliefe of the remanent Parochiners, quha are fewars, poſſeſſours, and tackeſ-men of Kirk-landes, lyand within the ſaide Parochin *pro rata*.

200 *Anent ſetting of tackes without conſent of the Patrone.*

OVR SOVERAINE LORDE, With adviſe of his Eſtaites in this Preſent Parliament, findis and declaris: That na beneficed man vnder a Prelate, within this Realme, may in time cumming, ſet langer tackes of teindes, or vtheris pertinents of their benefices, without the conſent of their Patrones, bot for the ſpace of three zeires allanerlie.

201 *Annulling of Actes of Parliament maid in fauour of Vaſſalles of perſones foir-falted.*

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, caſſis, annullis, and abrogates the Acte of Parliament, maid at *Edinburgh* the firſt day of *Junij*, the zeire of God, a thouſand fiue hundreth foure-ſcore twelue zeiris, in fauour of the Vaſſalles of the perſones foirfalted, & decernis & declaris the ſaid Acte to haue na ſtrenth, force, nor effect, & to be deleit furth of the buikis of Parliament.

202 *Anent fraudfull diſpoſitiones maid be perſones forefaulted.*

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, vnderſtanding that diverſe perſones, quha hes committed the crime of treaſon and Leſe-majeſtie; In defraud of his Hieneſſe, and his Donatoures, hes maid diverſe Bandes, obligationes, letters of tacks, aſſignationes, giftes of penſiones, letters of factourie, & diverſe vther giftes and diſpoſitiones: as gif the ſame had bene maid and granted be them, before the crime of treaſon attempted, be the ſaides perſones fore-faulted: For remeid quhairof, it is ſtatute and ordaned, that na letters of penſion, factourie, bands, obligationes or aſſignationes, maid or granted be onie perſon forefaulted, ſalbe valide, effectuall, ſufficient, nor giue onie action without the ſamin, be ather lauchfullie confirmed be his Majeſtie, or authorized be ane decreete of ane ordinar judge, obteined before the ſaidis perſones fore-faulted, were firſt ſummounde, and challenged for the crimes of treaſon, for the quhilkis they were forefaulted; Notwithſtanding quhatſum-ever confirmation or decreit obteined and following therevpon, ſen their ſaid citation, vpon the crimes of treaſon, laide to their charge.

Ratification of the act anent the Bullioun.

OVR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliamēt, ratifies & apprevis, the actes maid alſwel be his Majeſtie maiſt Noble progenitoures, as alſwa in his awin time, anent the hame-bringing of Bullion. And to the effect that the mair diligence may be done, for ingaddering thereof, alſweill for byganis as in time cumming, the Theſaurar, his deputes and vthers admitted to the cure thereof, to make compt & rekoning to the auditoures of the next checker, & ſiklike in time cumming.

203 *Ratification of the actes maid for annexation of the propertie, and annulling of the diſpoſitiones maid in Princes minorities.*

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ratifies and apprevis the actes of Parliament, maid bee King Iames the Second; And King Iames the Fift, intitulate, *Anent the annexation of Landes to the Crown*: And ſpeciallie, the act maid be the ſaid King Iames the Second, vpon the fourth daie of *Auguſt*, are thouſand, foure hundreth, fiftie fiue zeires. And als ane vther act, maid be the ſaide King Iames the Fifth, vpon the thrid daie of *December*, the zeir of God, a thouſand, fiue hundreth, and fourtie zeires, and haill poyntes, artickles and clauſes ſpecified therein: And all vtheris actes, maid be onie our Soveraine Lordis Predeceſſoures, concerning the keeping of the annexed proper-

propertie to remaine with the Croun. And further, our ſaid Soveraine Lord, with adviſe of his Eſtaites in Parliament, declaris, that all perſones quha hes vplifted, receiued, and intrometted-with, or ſall hereafter intromet-with, at his Hienes ſpeciall command, onie of the Kingis annexed propertie, be vertew of the ſaidis Actes of Parliament, ſall incurre na daunger of ejection, ſpuilzie, or wrangous intromiſſion: And declaris, that they ſall be quite and free thereof, and all action that may followe their-vpon. And ſik-like, our Soveraine Lord and Eſtaites in this preſent Parliament, findis, decernis, and declaris the Act of diſſolution, maid be our Soveraine Lord in his Hienes minoritie, In the Parliament halden at *Edinburgh*, in the zeir of God, a thouſand, fiue hundreth, fourſcoire foure, zeirs, & al vther acts of diſſolution maid be his Hienes, or his ſaids predeceſſours in their minorities, althocht the ſamin Actes & infeftmentes following their vpon, be ratified in Parliament in their majoritie, To be null and of nane auaill, force nor effect, with al that hes followed, or may follow their-vpon.

204 Generall diſſolution of the propertie.

OVR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, Statutis and ordanis, that it ſall be leiſum to his Hienes, to ſet all his auld proper landis, baith annexed, and vn-annexed in few-ferme, ſa that it be nocht in diminution of the rental, gerſſummes or vther dewties, bot in augmentation of the ſamin, with ſik clauſſes and conditionis, as he thinks expedient to the effect foirſaid, and that the landes that he ſettis in his time, ſtand perpetually to the aires after the forme of their condition, and that this diſſolution indure for the life-time of the King our Soveraine Lord, that now is allanerlie. Swa that the Landes quhilkis he ſettis in his time, with the conditiones foir-ſaidis, ſall ſtand perpetuallie. And after his deceaſe the annexationis maid of befoir, to returne againe to the awin nature. Swa that his ſucceſſors ſall not haue power to annalie nor ſet in few, mair nor they had befoire the making of this ſtatute. Providing, that this ſtatute ſall not extend to the ſetting in few-ferme of onie of our Soveraine Lords Caſtelles, palaces, zairdes, wooddes, parkes, forreſtes, paſtures for ſcheip & nolt, and in ſpeciall, the *Lowmondes* of *Falkland*, coal-heuches, and offices. Bot the ſame to remane inſeperablie annexed to the Croun, notwithſtanding this preſent diſſolution. And OVR SOVERAINE LORDE and his Eſtaites foirſaidis, decernis and declaris, that this preſent diſſolution, is, & ſall be only to this effect, that the ſaidis annexed lands ſal be ſet in few, to the auncient and kindly tennents, poſſeſſors & occupiers of the ground, quha wer infeft be OVR SOVERAINE LORD, and his predeceſſores of befoir, and to al vtheris perſones, quhilk hes heritable infeftment of few-ferme, granted to them be our Soveraine Lord, or ony of his predeceſſores, they ſeik and their infeftmentes of few-ferme, and pay and their

their compoſitiones theirfoir, to be modified be his Hienes Comptroller, with adviſe of *Iohn*, Lord of *Thirleſtane*, Chancellar, *John* Erll of *Mar*, Lord *Erskin*, *Iohn* Erl of *Mont-roſe*, Lord *Grahame*, *Alexander* Lord *Leuingſtoun*, *Robert* Lord *Seatoun*, *Mark* Lord of *New-bottle*, Maiſter of requeſtes, Maſter *Thomas Lyon* of *Balduky*, Theſaurar, Sir *Iohn Cokburne* of *Ormiſtoun* Knicht, Iuſtice Clerk, *Walter* Commendatar of *Blantyre*, keiper of the priuie ſeale, Maſter *Robert Dowglas* Proveſt of *Linclouden*, collector general, Sir *Iohn Carmichaell* of that ilk Knicht, Maſter *David Carnegy* of *Culluthy*, *Alexander Hay* of *Eaſter Kennet*, Clerk of Regiſter, *Alexander Hume* of *North-berwik Maines* Proveſt of *Edinburgh*, or onie ſeven of them; The ſaid Comptroller alwaies being ane, betuixt and the firſt day of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth, foure ſcoir, fiftene zeires. Vtherwaies, that it be lauchful to his Majeſtie, to ſet the ſaidis annexed landes, now diſſolued to quhat-ſum-ever perſons his Hienes thinkis expedient. Alwaies on condition of augmentation of his Hienes rentall as ſaid is. And alſwa ordanis, this preſent Act of diſſolution, to be extended in fauour of the Queenes Majeſtie, to haue ſik richts & infeftments of quhatſumever landes pertening to her, as ſhe had of before.

205 *Anent leeſing makers and authouris of ſlaunders.*

OVR SOVERAINE LORD, With aduiſe of his Eſtaites in this preſent Parliament, ratifies, apprievis, and for his Hienes and his ſucceſſours perpetuallie confirmis the Act, maid be his nobil Progenitors, King IAMES the Firſt of worthy memorie, againſt leeſing makers, the Act maid be King IAMES the ſecund, intitulat, againſt leeſing makers and telleris of them: The act maid be King *Iames* the Fift, intitulat of leeſing makeris, and the Act maid be his Hienes ſelfe, with adviſe of his Eſtaitis in Parliament, vpon the twentie day of *Maij*, The zeire of God, a thouſand, fiue hundreth, foureſcore foure zeires, intitulat, for the puniſment of the authours of ſlaunders, and vntrewe calumnies againſt the Kingis Majeſtie, his Councell, and proceedinges, to the diſhonour and prejudice of his Hieneſſe, his Parentes, Progenitoures, Crown & Eſtait: As likewiſe, the Act of his Hienes Parliament, halden at *Linlithcow*, vpon the tent day of *December*, the zeir of God, ane thouſand, fiue hundreth foureſcore fiue zeirs, intitulat, againſt the authoures of ſlanderous ſpeachis or writtis. And ſtatutis & ordanis all the ſaidis Acts to be publiſhed of new, and to be put in execution in time cumming, with this addition. That quha euer hearis the ſaids leeſings, calumnies, or ſlãderous ſpeches or writtes to be maid, and apprehendis not the authours theirof, if it lie in his power, or reveilis not the ſame to his Hieneſſe, or ane of his priuie Councel, or to the Shireffe, Stewart, or Baillie of the ſhire, ſtewartes in Regalitie or Royaltie, or to the Proveſt, or ane of the baillies within Burgh, be quhome the ſame may cum to the knawledge of his hien-

neſſe or his ſaide privie Councell, quhair-throw the ſaid leeſing makers, and authors of ſlanderous ſpeaches may be called, tryed, & puniſhed according to the ſaidis Acts. The hearer and not apprehender, and (gif it lie in his power) conceiler and not reveiler of the ſaids leeſing makers, and authors of the ſaidis ſlanderous ſpeaches or writtes, ſall incurre the like pane and puniſhment, as the principall offendour.

206 *Anent payment of the dewtie of the wines.*

IT IS Statute and ordained be our Soveraine Lord, and Eſtaites of this preſent parliament, that the dewtie granted be the Eſtaites to his Majeſtie, vpon the Wines, be thankfullie payed to his Majeſties Collectour in all time cumming, within the ſpace of ten dayis nixt efter their arriuing within this Cuntry. And to this effect, ordanis the Proveſt and Baillies of ilk Burgh, within quhais bounds and juriſdiction ony wines ſall arriue in time cumming, to take ſufficient caution and ſoverty of the Merchandes, Mariners, and vtheris hame-bringeris of the ſaidis wines, that they ſall thankfullie pay the ſaid dewtie, granted to our Soveraine Lord theirof, within the ſpace foirſaid, to his Hienes Collectoures appointed for in-gathering theirof. And heire-vpon ordanis letteris to be direct, gif neid beis, baith to chairge the ſaids Proveſt and Baillies, to tak the ſaid caution, as alſo, ather to chairge the caution, or then the hame bringeris, at the pleaſure of the Collectour, to make payment of the ſaid dewtie to his Hienes, within the ſaidis ten dayis nixt, after their arriuing within this Realme, vnder the paine of Rebellion; And gif they failzie theirin, the ſaids ten dayis being bypaſt, to denunce them rebells, and put them to the horne, & that they be not relaxed theirfra, vnto the time they pay the double of the ſaid dewtie, to the Collector for their contemption.

207 *Annulling of penſiones furth of the erectiones, ſen the annexation.*

OVR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, hes vnited, annexed, & incorporat; & be the tenour of this preſent act vnitis, annexis, and incorporatis, in his Hienes patrimonie and to his croun, to remaine theirwith inſeparably in all time cumming, all and ſindrie the few mailles and blenche dewties of all Landes, Lordſchips, and Barronies, quhilkis perteined of auld to quhatſumeuer benefice within this Realme, and haue bene erected in temporall liuingis befoir, or ſen the Act of annexation maid in *Iulij*, 1587 zeires: And therefoir haue caſſed and annulled, and be the tenour heirof caſſis and annullis all and quhatſumever penſiones, and vther diſpoſitiones, maid be his Majeſtie heirtofoir, ſen the ſaid act of Annexation, to quhatſumever perſon or perſons of ony part or pertinent theirof, or of ony tẽporalities

of

of vacand benefices fallen in his Hienes hands at onie time, ſen the ſaid Act of annexation, and that be eſteemed in all time cumming null, and of nane availe, notwithſtanding quhatſumeuer confirmation or grante theirof in Parliament, or vther-waies.

208 Anent ſoverties for Officiares of armes.

ITEM, Becauſe that the ſoverties of all Officiares of armes, admitted be *Lyon* King of Armes, are found to him and his Clerk: It is therefoir ſtatute and ordained, that they be charged twiſe in the zeire, to produce their buikes of ſoverties; To the effect OVR SOVERAINE LORDE and his Theſaurar bee nocht defrauded of the halfe of the penalties, for the deprived officiars, and this to be vſed to the Theſaurar in ſik ſort as the ſchireffe Clerks ar ordained to produce their hornings, to the effect that execution may follow their-vpon. And the Theſaurar to be charged with his receipt of the foreſaids penalties in his comptes. And further, ordanis all the ſaidis Officiars, that hes not found ſufficient caution for dew adminiſtration in their office, or quhais cautioneris are deceaſed, or are not ſufficient to find caution of new, betuixt & the firſt day of *Auguſt* nixt-tocum, vtherwiſe, the not finding of the ſaid caution is preſentlie declaired to be cauſe of their deprivation. Quhilk deprivation ſall be immediatlie publiſhed at the mercat croce of the ſhirefdomes, quhair the ſaidis Officiars remainis; and all their executions, fra thence furth to be vn-authentik and null.

209 For tryall of the trueth of acquittances, in ſuſpenſiones.

OVR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament, vnderſtanding that in times bygane, his Hienes, & his Theſaurar hes bene greattumlie præjudged, anent the eſcheittes of ſik perſonis as hes bene ordourly denunced Rebells and put to the horne, and that throw colluſion of parties, after their lauchfull denunciatiõ, the eſcheittes being cum in his hienes hands, aggreis with the parties, at quhais inſtance they are denunced, and intendis reduction againſt the partie, the Kingis Theſaurar and Advocate, for annulling of the proces of horning, and denunciation led againſt them, and obteinis decreit theirintil, be production of ante-daitted diſcharges & acquittances, as gif the ſummes, or cauſe they were charged for, had bene payed, done, and fulfilled, lang before the denunciation. For remeid quhairof, It is ſtatute and ordained, that quhen-ſoever onie partie groundis their reaſons of ſuſpenſion or reduction, for annulling of hornings, vpon payment or ſatisfaction maid before the denunciation, & producis acquittances or diſcharges their-vpon; the producer theirof, ſall bee halden in preſence of the Lords, to make faith ſolemnedly ſworne, that the acquittances

tances and diſcharges produced are trew in themſelfis, maid and ſubſcriued, of the ſamin dait as they wer produced: vtherwaies the viers of the ſaids acquittances not to be heard, to ground ony reaſons of ſuſpenſions for annulling of hornings vpon ſik acquittances and diſcharges, nor to vſe the ſame, againſt his Hienes and his Theſaurar.

210 *Anent haning of the Kingis Parkes and Forreſtes, and increaſe of wildefoull and venniſon.*

OVR SOVERAINE LORDE, And his Eſtaites in this preſent Parliament, fore-ſeing that his hail Wooddes, forreſtes, Parkes, hanynges, Da, Ra, Harts, Hynds, fallow deir, pheſant, foulles and vtheris wild beaſtes within the ſame, are greattumly deſtroyed, & dailie decreſſis, be reaſon the Actes and ſtatutes, quhilk are ſet downe againſt the deſtroyers of the ſaids woods, forreſts, parkes, hanynges, and ſlayeris of the ſaidis wyld beaſtes, hes not bene put to execution: Swa that all men hes tane libertie to deſtroy & ſlay at their awin appetites. For remeid quhairof, and better interteinement of his royal paſtime in time cumming: It is ſtatute and ordained, that quhatſumever perſon or perſones, at onie time heirafter, ſall happen to cut onie timmer of greene-wood within his hienes woodds or parks, or ſal happen to ſlay deir, harts, pheſants, fouls, partricks, or vther wild-foull quhatſumeuer, ather with gun, croce-bow, handbow, dogges, halkes, or girnes, or be vther ingine quhatſumever, within the ſame: or that beis found ſchutting with ony gun theirin, with out ſpeciall licence and tolerance of his Majeſtie, had and obteined theirto, or that ſlayis onie of his Hienes Deir, ſtrayand in time of ſtormes to barne zairds, or vther pairtes maiſt eweſt ſeikand their fude: or beis foundand tryed till haue ſchot with hagbut in the winter nicht, within onie of the foirſaidis wooddes or parkes, or within the ſpace of ane mile theirabout, quhidder they be apprehended ſlayand the Deir or not, that their hail gudes, and gear ſall be eſcheit and inbrocht to his Hienes vſe, and their perſones puniſhed at his Hienes wil, and this to be ane ordinar point of dittay, and the offende to be criminallie accuſed heir on, in all times hereafter. And alſo, It is ſtatute and ordained, that gif onie perſon or perſons, ſall happen to put onie of their guds within the ſaids woods forreſts, parkes or hanings, the ſame ſal be confiſcat and eſcheitted. And that it ſall be leiſum to the keeperis, to intromet theirwith, at their awin handes, but onie further proces of Law, and they to be frie of al danger and action, that in onie wiſe may followe and enſew theirvpon, the ane halfe to be employed to OVR ſaid SOVERAINE LORDIS vſe, and the vther halfe to the Foreſters and keipers. And likewiſe, it is ſtatute and ordained, that no perſon nor perſones ſall hunt nor halke, within the boundes of ſex miles to onie of his Hienes Woods, Parkes,

Caſtells, and palices. And incaſe ony doe in the contrair, that iſk perſon contraveening, ſall pay the ſumme of ane hundreth pounds money, the ane halfe theirof to the delatoures of them, and the vther halfe to his hienes vſe. And als, quhat-ſumever perſon ſall be deprehended, or tryed till haue ſlane hartes, or onie kinde of wilde foule in ſnaw, or onie vther time with gunnes or girnes, or zit beis found to haue ſhot at duik, draik, or ony vther wilde-foul with ane hagbut, within onie part of this realm, that they ſal be ſubject to the foirſaid penaltie of an 100. pounds. And incaſe they, or onie of them beis not reſponſall, to be puniſhed in their perſones, at his Hienes will and pleaſour.

211 *Anent the Privileges of the College of Iuſtice.*

OVR SOVERAINE LORDE, With adviſe of his Eſtaites in parliament, ratifies apprievis and confirmis al and quhatſumever privileges, liberties, and immunities, granted of befoir be his Majeſtie, & his maiſt noble Progenitors, to the Chancellar & hail Senatoures, baith ſpiritual and temporal, and members of the College of Iuſtice, for maintenance of them in their perſones, honoures, and dignities, and for bruiking of their landes, rents, benefices and penſions, in ſik forme as is conteined in the firſt erection of the ſaid College, and as they and their predeceſſors hes bruiked and poſſeſſed ſen ſine, conforme to the ratification theirof in Parliament, or in onie vther Acts, Lawes, Statuts, maid be his Majeſtie, or his Predeceſſores, in fauoures of the ſaid College, Senatores and members theirof, in all pointes: Notwithſtanding quhatſumever Actes, or conſtitutions that may appeare to derogate the ſame.

212 *Anent the declining of the Senatours of the college of Iuſtice, quha ar Father, brother, or ſonne to the parties.*

OVR SOVERAINE LORDE, With adviſe of his Eſtaites in this preſent Parliament, ſtatutis & ordanis, that na Senatoures of the College of Iuſtice, ordinar or extraordinar, ſall ſit, or vote in onie action or cauſe intended, or to be intended before them, quhair the parties perſewer or defender, is ather their father, brother, or ſonne: ſwa that the father ſall in na wiſe be Iudge in the ſonnis caſe, the ſonne in the Fathers caſe, nor the brother in the brothers, bot be declined theirin.

213 *Anent the beginning of the Harueſt vacance*

OVR SOVERAINE LORDE, with adviſe of the Eſtaites of Parliament, conſidering the great skaith that the Lieges ſuſteinis, throw

throw ſitting of the Seſſion, after the firſt day of *Auguſt*, harveſt being in monie partes of the cuntrie, alreadie then begun. And vnderſtanding that the Lordes of Seſſion, are content during the hail Summer Seſſion, to enter in the Tolbuith, and call maters daylie at aucht houres, quhair as their ordinar diet was not quhil nyne: Therefoir ſtatutis and ordanis that the harueſt vacance ſal begin the firſt day of *Auguſt*; And the Seſſion to ſit bot the laſt day of *Iulii incluſiuè*.

214 That nane ſall be compelled to produce procuratories or inſtruments of reſignation, precepts of clarè conſtat, *or vther precepts of ſaiſing of Lands or annual-rents, poſſeſſed be them befoir the ſpace of fourtie zeiris*

OVR SOVERAINE LORD, And Eſtaites of this preſent Parliament, vnderſtanding that ſindrie of his Hienes Lieges, are heretablie infeft in divers lands, and annual-rents within this Realme, like as their predeceſſores and authores, fra quhome their richts theirof proceidis, hes bene heretablie infeft in the ſamin Landes and annual-rentes: And be vertew of their ſeverall infeftmentes, and life-rentes theirin reſerved, they and their Predeceſſoures and authoures, hes bruiked the foirſaidis landes and annual-rentes be the ſpace of fourtie zeires togidder: Notwithſtanding quhairof, the ſaids infeftmentes, maid and granted to them and their Predeceſſours and authoures, are ſundrie times drawen in queſtion, for laik and want of procuratories of reſignation, inſtruments of reſignation, precepts of *clarè conſtat*, or vtheris precepts of ſaiſing, quhilkis are not extant to be produced and vſed, in reſpect that the ſamin are tynt and amitted, partlie be iniquitie of time, partlie be periſching of protocolles and ſcrolles of notares: partlie for none-delivering of the ſamin, be the perſones, ſellares, and diſponeres theirof: pairtlie becauſe the evidents of compriſed Landes vſes to be abſtracted and with-halden vpon malice of pairties: and pairtlie, as euidentes not thocht neceſſare to haue bene keiped, after ſa lang time: Be reaſone that the chartoures makis mention of the procuratories and inſtruments of reſignationes, and inſtruments of ſaiſing makis mention of the preceptes of ſaiſing, quhair-vpon the ſamin proceides. For remeide quhairof, OVR ſaid SOVERAINE LORD, with aduiſe of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, Findis, decernis, and declaris, that nane of his Hienes Lieges, may be compelled, after the ſpace of fourtie zeires, to produce procuratories or inſtrumentes of reſignation, precepts of *clarè conſtat*, or vtheris precepts of ſaiſing of landes, or annual-rentes, quhairof the preſent heretable poſſeſſours and their predeceſſoures, and authoures, and vtheris perſons be vertew of life-rentes reſerued in the ſaidis infeftments, are, and was in poſſeſſion be the ſpace of fourtie zeires togidder, and that the wanting and inlaik theirof, nor nane of them, ſall be na cauſe of reductiō

on of the infeftments granted to the proprietares, or their Predeceſſores or authores of the lands or annualrents, quhairof the charter or charters (makand mention of the reſignation or reſignations to haue bene maid, and the inſtrumentes of ſaiſing, makand mention of the preceptes of ſaiſing, be vertew quhairof, the ſaiſings wer given) are extant. And willis, ſtatutis, and ordanis, that this Act ſall be extended to all procuratories, and inſtruments of reſignation, precepts of *clarè conſtat*, or vthers precepts of ſaiſings, the wanting and inlaik quhairof, nor nane of them, ſall be na cauſe of reduction, nor vther quarrell quhat-ſumever, after the ſpace of fourtie zeires, quhair infeftments hes tane effect be poſſeſſion, be the ſaid ſpace of fourtie zeires, in maner abone rehearſed, & quhair the charters and inſtrumentes of ſaiſing are extant, as ſaid is.

215 Ratificationes in this Parliament to be, Salvo jure cujuſlibet.

OVR SOVERAINE LORDE, And his Eſtaites of this preſent Parliament, decernis and declairis, that na ratification granted in fauour of particular parties in this preſent Parliament, ſall be hurtfull or prejudiciall to onie of the Lieges of the Realme, not heard nor ſpeciallie called thereto, bot all the ſaidis ratifications ſall be vnderſtand and interpreted, *Saluo iure cuiuſlibet*.

216 Anent the bying of landes and poſſeſſiones dependand in pley, be Iudges or members of Courtes.

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ſtatutis and ordainis, that in time cumming, it ſall not bee leiſum to onie Lordes of the Seſſion, ordinar, or extraordinar, Advocates, Clerkes, Writers, their ſeruandes, or onie vther member of the College of Iuſtice, or onie inferiour judgementes within this Realme, their Deputes, Clerkes, or Advocates, directly or indirectlie, be them ſelues, or onie vtheris in their names, to their behooue or vtilitie: To bye onie landes, teyndes, rowmes or poſſeſſiones, quhilks ar dependand in controverſie or queſtion betuixt onie parties, or hes ben dependand, and not as zit decided: Quhilkis gif they, or onie of them do, and contraveenis the premiſſes: The ſaidis Lordes of Seſſion, Advocates, Clerkes, Writters, their ſervandes, or onie vther member of the College of Iuſtice, or onie inferiour judgementes within this Realme, their Deputes, Clerkes, and Advocates, ſall amit and tine their office, place, and all Priviledges and immunities bruiked, or that may be bruiked be them, be vertue thereof.

217 That

217 *That caution be found in actiones of eiection.*

OVR SOVERAINE LORD, With aduiſe of the Eſtaites of this preſent Parliament, vnderſtanding the great diſordour, quhilk hes riſen, and dailie dois ariſe amongſt his Hieneſſe lieges, quhair as perſones wrangouſlie intruſing themſelues in the rowmes and poſſeſſiones of vtheris, be bangſtrie and force, being altogidder vnreſponſall themſelues, mainteinis their poſſeſſion thereof: And quhen they ar challenged before the Lords of the Seſſion, or vther judges ordinar, be the partie grieued; The perſones intruſers of themſelues in ſik poſſeſſiones, delayis the mater, be propoining of peremptour exceptions, quhilk ar not of veritie, and delayes vpon the probation thereof; And after lang pley, quhen as the partie grieued hes gotten decreete, ordaning him to be repoſſeſſed to his rowme and profites thereof, his pairtie being vnreſponſall altogidder, gettis na commoditie thereof: For remeid of the quhilk; It is ſtatute and ordained, that in al time cumming, the partie perſewed be ane vther for ejection, ſall finde caution for the violent profites, as in cauſes of remooving, the firſt diet of the *Litiſ-contestation*, or vtherwaies decreete to be given, ordainand the partie to be repoſſeſſed.

218 *For conſideration of articles to be proponed in Parliament.*

OVR SOVERAINE LORDE, And his Eſtaites in this preſent Parliament, having conſidered the great faſcherie and incovenience at ſindrie Parliamentes, throw preſenting of a confuſed multitude of doubtfull and informall articles, and ſupplicationes: For remeid theirof in time cumming, ſtatutis and ordanis, that quhen euer the Parliament is appoynted and ordained to be proclamed, there ſall ane convention be appoynted, of foure of everie eſtaite, to meete twentie daies before the Parliament, to receiue al maner of articles and ſupplicationes concerning generall lawes, or tuitching particular parties: Quhilks articles and ſupplicationes, ſall be delivered to the Clerke of Regiſter, and be him preſented to the perſones of the Eſtaites, to be conſidered be them; To the effect that thinges reaſonable and neceſſary, may be formallie maid and preſented in a buik to the Lordes of the articles in the Parliament time; and all impertinent, frivolous and improper maters rejected: And that na artickle or ſupplication, want and a ſpecial title, or vnſubſcribed be the preſenter, ſalbe red or anſwered in that convention, or Parliament following the ſame: It is alwaies provided, that his Majeſtie may preſent ſik artickles, as he thinkis gude, concerning him ſelfe, or the commoun weill of the realme, at all times when he thinkis expedient.

219 *Anent ſlauchter, and troubling of parties in perſute, and deſenſe of their actiones.*

OVR SOVERAINE Lord, having conſideration of the manifauld oppreſſiones done within this Realme, & for the maiſt parte occurring betuixt parties contending in juſtice, be proud and vndantoned braggers, boaſters and oppreſſoures: And vnderſtanding that there was ane acte of Parliament, maid of lang time by-paſt; Firſt in the daies of vmquhill *Marie*, Queene Dowrier, his Hieneſſe Gud-dame, of worthie memorie, quhilk wes onelie Temporall, for the ſpace of three zeires nixt following; and approven be his Hieneſſe in his Parliament halden at *Edinburgh*, in the Moneth of Maij, ane thouſand, fiue hundreth, four ſcore four zeires; quhairby it was found and declared, that if ony perſon, ather perſewer or defender, ſuld happen to ſlaie or wound to the effuſion of bloud, or vther-waies to invade ane of them ane vther in ony ſorte, quhair-upon they micht be criminallie accuſed, after the raiſing of the ſummondes and precepts, and lauchfull execution thereof, or in ony time before the compleit execution to be recouered thereupon: The committer of the ſlauchter, bloud or invaſion, in maner foreſaid; or being airt, pairt, red or counſell thereof; gif it be the defender, he ſall be condemned at the inſtance of the perſewer, gif he be on life; or in-caſe of his deceaſe, the neareſt of the kinne, quha is ſlaine, without ony probation of the libell, except ſummar cognition to be tane of the ſlauchter, bloud-ſhed or invaſion, before the juſtice, or ony vther judge competent thereto. And gif the perſewer ſlayis, woundis or invadis the defender, as ſaid is: or be airt, pairt, red, or counſell thereof, cognition being tane, in-caſe the defender be on liue, or in-caſe of his deceaſe, the neareſt of the kinne, ſal haue abſoluitour fra the perſewers libel. And gif the ſlayer, ſhedder of bloud, or invader, as ſaid is, hes landes or life-rentes, and beis denunced rebell, and put to the horne, for none-finding of ſoverty, or none-compearance, to vnderly the law for the ſaid ſlauchter, bloud-ſhed, or invaſion: In that caſe, the ſlaier, ſhedder of bloud, or invader, incontinent after the denunciation, ſall tine the benefite of his life-rent, of quhatſumeuer his landes, offices or commodities, as in the ſaidis actes and ſtatutes maid there-upon, at mair length is conteined. Quhilk laſt act was alſo temporal, to indure for the ſpace of ſeuen zeires; And now it being knawen to his Hieneſſe, and the ſaidis Eſtaites, how neceſſar the ſamin is, to be alwaies obſerued and keeped in continual obſervance, as ane vniverſall law in all time cumming, for repreſſing of the ſaidis invaſiones: Therefore his hieneſſe, with adviſe of the Eſtaites, and haill bodie of this preſent Parliament, ratifies, apprievis, and affirmis baith the ſaidis firſt and ſecound actes, with the haill poyntes, artickles, and conditiones conteined there-intill, And ordanis the ſame to ſtand as ane perpetuall law in all time cumming.

220 *For punishment of Parricide.*

OVR SOVERAINE LORDE, and Estaites of this present Parliament, vnderstanding the abhominable and odious cruelitie, that hes bene at sum-times heretofore vsed within this Realme, be Children against their Parentes, in murthering of them, and takand of their liues maist vnnaturally; Hes therefore statute and ordained, that quhatsumeuer he be, that hes slaine, or sall hereafter slaie, his Father or Mother, Gud-schir, or Gud-dame, and hes bene alreadie, or sall be hereafter convict be ane assise: The committers of the said crime, and his posteritie *in linea recta*, sall be disherished in all time hereafter, fra their landes, heritages, tackes, possessiones: And the samin sall apperteine to the nixt collaterall and neareſt of bloud, quha vtherwise micht succeede failzieng of the richtline.

221 *Anent the certaine time of* Lentron, *sparing of zoung flesh in the spring, and breakers of* Lentron, *and vther dayes forbidden to eate flesh.*

OVR Soveraine Lorde, and his Estaites in this present Parliament, in respect of the great dearth and scarcitie of all kinde of flesches, statutis and ordanis, that in all time cumming, the time of *Lentron* sall be certaine, fra the first daie of *Marche inclusiuè*, to the first daie of *Maij exclusiuè*: And that na Lambes, nor zoung Vealles within zeir auldes, be slaine, or eaten before *Whit-sundaie* zeirlie, vnder the paines following. And als, ratifies, apprievis, and confirmis the actes of Parliament maid of before against the eaters of flesh in *Lentron*, or on the Wednisdaie, Fridaie, or Setterdaie, in euerie oulke, except the penaltie appointed in the saidis actes, against the contraveeners thereof: Quhilk our Soueraine Lord, and Estaites foresaidis, cassis, annullis, and haldis that poynt of the same as deleit, and reseruis the said penaltie as followis, to the effect the the same may be the better execute: That is to say, quhasoeuer salbe tryed to haue contravened the same, for the first fault salbe adjudged in the summe of ten pundes money, for the second, in the summe of twentie pounds: and for the thrid, in the summe of fourtie poundes. And so ordanis the paine to be multiplied, according to the contempt, and oft contraveening of the saidis Actes: And that the same may take the better effect: Our Soveraine Lorde, and Estaites foresaidis, ordanis, that within Burrowes, his Hienesse Thesaurer nominate ane sufficient person, and that everie Burgh nominate ane vther, quha sall haue power to try, search, and seeke quhatsumeuer persones contraveeners of this present act: And persew them before the justice general, or his deputes, monethlie for the same. And incase of conviction of ony person or persons, ordanis the ane halfe of the penaltie to apperteine to our Soverain lord, and the vther halfe to the Burgh, quhair the conviction sal happen to be, to be employed be them as they sall think gud. Quhilk act, our said Souerain lord & estaites forsaids, ordanis to put to executiõ in time cũming

without exception or pretenſe of ony former licence graunted before the dait hereof, alſweill againſt the eaters, as againſt fleſchoures, cuikes, hoſtellares, and vthers preparers thereof. And that na licence be granted hereafter, without ane ſufficient teſtimoniall be ſchawen to our Soveraine Lordis Theſaurer, be ane Miniſter of Gods word, and Doctour of medicine, Apothecarie or Chirurgian, of the infirmitie of the perſon that ſuitis and crauis the ſame, vtherwiſe the licence to be null. And incaſe the perſone obteiner of the ſaid licence, be challenged for contraveening of this preſent act, the licence ſall not be ſufficient to abſolue the perſon accuſed, except the ſame, togidder with the foreſaid teſtimoniall, be likewaies produced and ſchawen in judgement.

222 For puniſhment of committers of Vſurie.

FORSAMEIKLE As Vſurie and ocker is an great crime, condemned be the Lawes of God and all commoun wealthes, and zit hes bene over frequentlie vſed within this Realme, thir diverſe zeires by-gane, throw want of a certaine paine and puniſhment: Therefore our Soveraine Lorde, with adviſe of his Eſtaites in this preſent Parliament, ſtatutis and ordanis, That quha euer committis vſurie, or ocker in time cumming, directlie or indirectlie (that is to ſay) takis mair profite for the leane of money, nor as it cummis to ten pundes in the zeir for a hundreth pundes, or fiue bolles victuall, And ſwa *pro rata*, quhidder the ſame be great or ſmal, vpon wedde, pledge, or obligation, act or contract afore hande, or after the zeir or time, ſall be counted and eſteemed Vſurers and ockerers, and the partie payer, or obliſt for the ſaid vnlauchfull profite, reveiland the ſame, ſall haue repetition of his pledge, wedde, or diſcharge of his obligation, acte or contract, for his rewarde: And gif the partie receiuer concealis the receipt thereof, quhatſumeuer vther man that reueillis and verefies the ſaide ocker, ſall haue the ſaide benefite and richt to the ſummes of money given for ocker, as the giuer might had, incaſe he had reveiled it himſelfe: and the partie receiver of the ſaid vnlawful profit, or contracter thereanent, to tine the principall ſum and ſtock, quhilk was employed be him for payment of the ſaid vnlawfull profit and ocker.

223 For puniſhment of ſum diſorders of ſtudents and burſares.

ITEM, Becauſe the Burſares, Studentes and Maiſters of Colleges, ar greattumlie drawen from their ſtudies, and oftimes incurris greate skaith and perrell them ſelues, and dois damnage vnto vtheris, throw their licencious libertie, in reſorting night and daie to free Burghes, armed with ſwordes, piſtolettes, and vther weapones: Therefore OVR SOVERAINE LORDE and Eſtaites of this preſent Parliament, ordanis

ordanis the Proveſtes and Baillies of his Majeſties free Burghes, in-caſe they finde the foreſaidis perſones, or ony of them, vagand nicht or day, within their ſaidis Townes, armed in maner abone ſpecified: To take and intromet-with their armour, and to diſpone vpon the ſame, as they thinke gude.

224 *For execution of the Actes, anent the ſlauchter of black or red fiſh, and fry of Salmond.*

OVR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, vnderſtanding that the actes of Parliament, maid againſt ſlayers of blacke or red fiſhe in forbidden time, deſtroyers of Smoltes and fry of Salmound, hes not bene put to execution in times by-gane, be reaſon of the juriſdiction of the Schireffes of euerie Schirefdome, impeding the Proveſt and Baillies of Burrowes, to proſecute juſtice there anent: Hes therefore ratified, & approven the former actes, maid anent ſlaying of Salmound fiſh in forbidden time, and deſtroying of ſmoltes, &c. And declaris, that it ſalbe lauchfull to the Proveſt and Baillies of euerie Burgh in time cumming, to proceede againſt the contraveeners of the ſaidis Acts, gif they ſall happen firſt to attache and apprehend them, before they be challenged be the Schireffe or his deputes: Notwithſtanding that be the former actes, the ſaid power was reſtricted to the ſaidis Schireffes.

225 *Anent the Priviledge of Burrowes.*

OVR SOVERAINE LORDE, with adviſe of his Eſtaites in this preſent Parliament, ratifies, apprievis and confirmis, the acte and ſtatute maid in his hienes Parliament, halden at *Edinburgh*, vpon the fifth daie of *Iunij*, the zeir of God, ane thouſand, fiue hundreth, four ſcoir twelue zeires: In favours of the free Burrowes of this Realme, and their liberties and priviledges, againſt vn-free trafficquers: and anent vſing of craftes in al the ſuburbes of the ſaidis Burrowes: ſpeciallie bearing, That al maner of perſones, inhabitants of the ſaidis Burrowes, exerceand ony maner of traffick in merchandice, or having exchange within the ſame: ſall beare their pairt of al ſtentes and taxationes, watching and warding, in all dewties perteining to our Soveraine Lord, the weill of the realme, and vtilitie of the Burgh, as at length is conteined in the ſaid act, and all clauſes and conditiones therein conteined: with this addition, that the ſamin ſall be extended to all merchandes or craftef-men, alſweill free as vnfree, that hes na vther dwelling place but within Burgh, and hes their commoditie within the ſame burgh, and bearis na burden of taxation without the ſame Burgh.

226 *Anent the vphalding of the decayed landes within Burgh.*

OVR SOVERAINE LORDE, With adviſe of his Eſtaites of this preſent Parliament, ratifies and apprievis the actes and ſtatutes, maid be his Hieneſſe maiſt Noble Progenitoures of worthie memorie, concerning the vphalding of Landes, given in conjunct infeftment, alſweill to Burgh as Land: And for the better execution thereof, and reparation of the decayed policie within Burgh, ſtatutis and ordainis; That the Proveſt and Baillies of ilke Burgh, ſall at the inſtance of the heritoures of the landes within the ſamin, vpon citation of the partie, take ſummar cognition of the eſtaite of the lands, houſes, or tenementes within the Burgh, be ane condigne inqueſt of the Nichtboures thereof: And gif the ſamin be found aulde, decayed, and ruinous in ruife, ſclaites, durres, windowes, fluring, loftis, tymmer-wark, & walles, or onie of them, & ane land bigged of aulde, and throw lang time decaied, in ſik ſort that it be already inhabitable, or that within ſhort time may becum inhabitable, in that caſe, to decerne that the conjunct fear or life-renter ſal repaire the ſaidis landes, and tenements in the partes theirof decayed, as ſall be found be the ſaid inqueſt, within the ſpace of zeire & day, nixt after they be required theirto be the heritours: and failzeing theirof, declairis that it ſal be frie to the ſaid heretour, to enter to the poſſeſſion of the ſame, to haue the ſetting, raiſing, vſing, and diſponing their vpon, in all time cumming, as gif there war na life-rent, or conjunct fee ſtanding theirof. Providing alwaies, that ſufficient ſecurity in the burgh, quhair the lands or tenements lyis, be tane, for termelie payment to the conjunct fears or life-renteris theirof, induring their life-time of ſik mail and dewtie, as the ſamin preſentlie giues the time of the ſaid cognition, or micht reaſonablie giue in that eſtait, incaſe it be not preſentlie ſet, deduce and alwaies the annualles, and vther burding lyand theirvpon. And this to be extended to all brunt and waiſt landes, and againſt all conjunct fears preſent and to cum within Burgh.

227 *For puniſhment of thieft, rieſe, oppreſſion and ſorning.*

OVR SOVERAINE LORDE, And Eſtaites in this preſent Parliament, conſidering, that not-with-ſtanding the ſundrie Actes maid be his Hienes, & his maiſt Noble Progenitours, for puniſchment of the Authours of thieft, rieſe, oppreſſion and ſorning, and maiſteris & ſuſteinares of thieues: Zit ſik hes bene, & preſentlie is the barbarous cruelties, and daylie heirſchippes of the wicked thieues & limmers of the Clannes and ſurnames following, inhabiting the *Hie-landes* and *Iles*:

Iles: They are to say, *Clangregore*, *Clanfarlane*, *Clanlawren*, *Clandowall*, *Clandonoquhy*, *Clanchattane*, *Clanchewill*, *Clanchamron*, *Clanrannald* in *Lochaber*, *Clanrannald* in *Knoydert*, *Moydert*, and *Glengarrey*, *Clanlewid* of the *Lewis*, *Clanlewid* of *Harriche*, *Clandonald* South and North, *Clangilleane*, *Claniane*, *Clankinnon*, *Clanneil*, *Clankenzie*, *Clan andreis*, *Clanmorgun*, *Clangun*, *Cheilphale*: And als monie broken men of the surnames of *Stewarts* in *Athole*, *Lorne*, and *Balquhidder*, *Campbelles*, *Grahames* in *Menteith*, *Buchannanes*, *Galbraithes*, *Makcaulais*, *Macknabbes*, *Makanabrichtes*, *Meinzeis* *Fergussones*, *Spaldinges*, *Makintoisches* in *Athoil*, *Makthomas in Glenfche*, *Ferquhardsounes* in the Braie of *Mar*, *Makinphersones*, *Grantes*, *Rosses*, *Fraseres* *Monroes*, *Neilsones*: and vtheris inhabiting the Schireffe-domes of *Argyle*, *Bute*, *Dumbartane*, *Striwiling*, *Perth*, *Forfare*, *Aberdene*, *Bamf*, *Elgin*, *Forres*, *Narne*, *Innernes*, and *Cromertie*, Stewartries of *Stratherne* and *Menteith*. And likeways a great number of wicked thieues, oppressoures, and peace breakers; and receipters of thieft, of the surnames of *Armestranges*, *Ellotes*, *Nicksones*, *Croseres*, *Grahames*, *Irwinges*, *Belles*, *Caitleilles*, *Beatisones*, *Litles*, *Thomsones*, *Glendunninges*, *Carutheres*, *Iohnestones*, *Iardanes*, *Moffettes*, *Latimers*: and vtheris inhabiting the Bordoures fore-anent *England*, in the Schireffe-domes of *Roxburgh*, *Selkirk*, *Peibles*, *Dumfrise*, and stewartrie of *Annandaill*. In the Murther, heirschip, & dailie oppression of his Hienesse peaceable and gude subjectes: In the haill Countries adjacent to the Hielandes and Bordoures; to the displeasure of God, contempt and dishonour of his hienes person & authoritie; and to the waisting & desolation of a gud part of the plentiful ground of the country, if speedy remeid be not provided. And vnderstanding that this mischief & schameful disordour increasis, & is nurished be the ouersight, hounding-out, receipt, mainteinance, & not punishment of the thieues, limmers and vagaboundes; partlie be the Landis-lordes, Maisters, and Baillies of the landes and boundes, quhair they dwell or resortis; And partly throw the counselles, directions, receipt, and partaking of chiefe-taines principalles of the branches, and houshalders of the saidis surnames and Clannes, quhilkis bearis quarrell, and seekis reuenge for the least hurting and slauchter of onie ane of their vnhappie race, although it were ordonr of justice; or in rescuing & following of trew mennis geare, stollen or reft: Swa than the said Chieftaines, principall of the branches, & houshalders, worthelie may be esteemed the verie authors, fosterers and mainteiners of the wicked deedes of the vagaboundes of their clannes and surnames. FOR Remeid quhairof, and that there may be anis a perfite distinction be names & surnames, betuixt them that ar, & desiris to be esteemed honest & trew men: & them, that ar & aschamis not to be esteemed thieues, reifers, sornares, & receipters, & susteiners of thieft, in their wicked & odious crimes and deeds: IT IS Statute & ordaned, that ther be an rol & catalogue maid with al possible diligēce, of al persōs of the surnames forsaidis, suspected of slauchter, thieft, riefe, receipt of thieft, or thieues, or sorning, within the saids schirefdoms & stewartries

in

in what townes, and parochins, and vnder what landes-lordes and Masters or baillies they dwel. THAT al landis-lordes and Baillies be charged to finde ſovertie, to relieue the King and Warden in the Bordoures, and ouer all quhair, to make their men, tennentes and ſervants anſwerable to Iuſtice, and to redreſſe parties ſkaithed, quhilkis hes not found the ſaid ſovertie alreadie: THAT the haill perſones ſuſpected and delated of the ſaidis crimes, ſal be given in valentines to their Maiſters, Landis-lordes, or Baillies, to be preſented before his hieneſſe juſtice and his deputes, and vtheris Commiſſioners or aſſeſſors to bee appoynted at certaine daies and places: That it may be vnderſtand quha will be obedient, and quha inobedient and fugitiue. SIK Houſhalders of the ſaids Clannes, as compeiris, to finde caution, for reliefe for their Landis-lords: Sik as compeiris not, to be denunced rebelles & fugitiues. THE Chieftaines, principall of the branches and houſhalders to be charged to enter pleges, for reliefe alſwa of the Landis-lordes. THE Pleges to be delivered in keeping to the Noble-men, Barrons & gentlemen, that hes receiued greateſt & lateſt harmes of the ſaids thieues & ſorners of Clannes, and their aſſiſters in their awin houſes, or with their friendes in the Countrie, quhair they thinke maiſt ſure. GIF the perſones compleined vpon, compeiris and findes gud ſovertie, for reliefe of their Maiſters and Landis-lordes, to bruik their tackes & titles. GIF They compeir not, or compeirande findis not the ſaide ſouertye, to be denunced rebelles, and their eſcheittes of tackes to be diſponed to their Landis-lordes, for their better relicfe. The complenar to haue action criminal or civill, againſt the Landis-lordes, maiſter or Baillies, or their ſouerties, for the attéptat to be cómitted, after the ſouertie found; THE availe & quantitie of the guds ſtollen or reft, or vther skaith done, ſalbe referred to the aith of the compleiner, the trueth of the fact being prouen be two witneſſes: or gif the partie compleined vpon, compeiris not perſonallie before the Iuſtice, to make his defenſe, or excuſis him not be the aith of his Miniſter perſonallie compeirand; Na Landiſlord, to ſet his lande, or to ſuffer his land to be occupied and poſſeſſed with his conſent, or receiue mailes, greſſume, and dutie for the occupier theirof, that being of a Clanne, findis not ſovertie, to releive his Landiſlord, betwixt and the firſt day of *Auguſt* nixt, quhilk gif the Landiſlord omit to ſeik for his releife, he to be anſwerable to the compleiner, criminallie or ciuilie, as gif he had done the deed himſelfe. Nane of the ſaidis Clannes, or vther broken men, their wives, bairnes, aires, executors or aſſignayes, ſal haue action criminall or civill againſt quhatſumever perſones, For ejection, ſpuilzie, ſlauchter, fire raiſing, or vther alleged violent deed cómitted againſt them, be onie of his Hienes Lieges, except they inſtruct with their ſummondes, that the perſone alleged hurt, ſpuilzed, ſlaine, or ejected wes the Kings fre-liege man, the time of that deed, & had found ſovertie to be anſwerable to Iuſtice, for releife of his Landiſlord, and to redreſſe parties skaithed. Everie thiefe and ſorner ſall be eſteemed the

The landis lordes ſuld finde caution.

Landeſ-lordes ſuld preſent them to Iuſtice.

Pleges.

Fugitiues

Sovertie

No action is competent to rebelles.

man

man and ſervand of him, quhom of he hes land in tillage or paſtourage: Or quhom the ſaid thiefe, ſorner or rievar accompanies at cõventiones, gatherings, or at onie violent deeds: Or on quhais ground, the ſaid thief or rieuar is receipt, & taries twelue houres togither, with the knawledge of the Landiſlord, being of habilitie and power to apprehend him: Or quha hes receaved band of manrent, or given band of maintenance to the thieues or rieuares: Or receivis their cawlpes & herezeldes: Or quha hes had the ſaid thieues & rieuares vnder their aſſurance, or exemption: Twa Iuſtice Courtes to be halden zeirlie, for the ordinar execution of this preſent act & ſtatute, within everie ane of the ſaidis ſchireffedomes and ſtewartries at leaſt: At *Iedburgh*, for *Roxburgh*, *Selkirk* and *Peibles*: at *Drumfriſe* for the ſchireffedome theirof, and ſtewartries of *Kircudbricht* & *Annand-daill*: At *Striviling* for *Argyle*, *Bute*, *Dumbartane* and *Perth*, ſtewartries of *Menteith*, and *Strathern*: At *Abirdene* for the ſchirefdome theirof, and *Bamff*: At *Elgin* or *Innernes*, for the ſchireffedomes of *Elgin*, *Forres*, *Narne*, *Innernes*, and *Cromertie*: And the expenſes of Officiares, Clerkes and vther things needful, to be tane of the readieſt vnlawes and eſcheittes of the ſaids Courts: Ane band to be maid, ſworne and ſubſcriued be all Nobil-men, Barrones, and landed men, within the boundes of the ſaidis ſchireffedomes and ſtewartries, obliſhand them to ſeik the true execution of this preſent act, for their awin partes, and to concurre againſt the ſaidis thieues, rebelles, and ſornares, and to keip ordinar watching and warding, and to contribute to that effect: in ſik ſort, as ſall be thought meiteſt amang themſelfis. Certifying them, that ſall be found not to conveene and further this gude wark, they ſal be halden infamous and fauoreres and partakers with the ſaidis thieues and ſornares in their evill deedes. And our ſaid Soveraine Lord, with adviſe of his ſaidis Eſtaites, declaris that this preſent Act of Parliament, ſall extend not onelie againſt all inhabitants of the ſaids ſpecial ſchireffdomes and ſtewartries, bot againſt the Landiſlordes, Maiſters, and Baillies of al perſons that are, or ſall be ſuſpected and delated of thieft, reif, oppreſſion, and ſorning over all partes of the Realme, and namelie againſt the heretours and liferenters of Landes within Townes and ſuburbs theirof, quhilkis ſall be halden to enter and preſent to Iuſtice, perſones dwelland within their tenementes and houſes, ſuſpected to be Harlottes, thieues, receipters of theft, or vagabounds, ſik like as Landiſlordes in Hielands, or Borders, for their men and tennents that are thieues and ſorneres. And therfoir that the ſaidis heretours or lyferenters in towns and ſuburbs theirof, take ſovertie of their tennents, quhome vnto they ſet their houſes, for their releife, at their awin perrell. And further, our Soveraine Lord, with adviſe of his ſaid Eſtatis, ratifies and apprievis, and for his Hienes and his ſucceſſours perpetuallie confirmis all former Lawes and Actes, maid be his Hienes, and his maiſt Noble Progenitors in onie times bygane, anent puniſhmẽt of thieft, rieſe, ſorning or oppreſſion, not riſing to effray and following, ſitting vnder aſſurance of thieues, or taking, or paying of

Quha is man or ſervand to ane other.

Iuſtice courtes.

Ane generall band.

Suſpect perſones

Of tennentes, & indwellers in other mens houſes.

black maill: And ordanis the ſame actes to be put to execution with diligence, after the forme and tenour thereof. AND finallie, that as thieues and ſorners concurris, aſſiſtis and mainteinis vthers in wicked deedes, againſt trew men, without feare of God, the King, or the Lawes: Swa it ſalbe lauchfull to trew and honeſt men, to concurre and ioyne them ſelues in counſells and actiones, for defenſe of the liues and gudes of themſelues and their tennentes, againſt thieues & ſorners, and to follow and perſew them, and all their races, clannes and names, dwelland within the boundes of the Hie-landes and Bordoures (not ſubject be gude and ſufficient ſouerties and pleges, to be anſwerable to the Lawes, and redreſſe of parties skaithed) and to take and apprehend their perſones and gudes, keepe themſelues in priſon, or execute them to the death, makand all our Soueraine Lordis Officiars, and Miniſters of juſtice, to Burgh or lande, and all his free halders, remaining at his Hieneſſe faith, peace and obedience, conjunctlie or ſeverallie his Hieneſſe Iuſtices to that effect: with power to halde Courtes, create members thereof, ſummound aſſiſes, ilk perſon vnder the paine of ten poundes, als oft as neede beis. And in-caſe ony of the ſaide thieues, ſorners of the ſaidis clannes, or their aſſiſters dwelland in the Hielandes and Bordours (quhilk ſall not be vnder gude ſovertie or plegeing, as ſaid is; betuixt and the firſt daie of *Auguſt* nixt to cum) happenis to be tane, hurt, ſlaine, or mutilate: Their gudes to be taken and intrometted-with; their houſes burnt, deſtroyed, or caſten to the grounde. OVR Soveraine Lorde with adviſe of the ſaid Eſtaites in this preſent Parliament, willis, grantis, and declaris, that the ſame ſall neuer be impute as onie crime or offenſe, to quhatſumeuer trew man, authors or executors thereof: NOR they, nor nane of them, ſall be called or accuſed thereof, criminallie, nor civilie be onie maner of way in time cumming: Exonerand and diſcharge and them of the ſame for euer: And ratifies and apprievis all vtheris acts abone ſpecified: And ordainis themto extend ouer all the Realme.

Convocation for puniſhmen: of theft and ſorning

All the Kingis liege̅s maie take ſlaie. or mutilate thieues & ſorners, deſtroy their houſes &c.

228 *Prelates and vthers beneficed perſones ſuld haue relieſe of their taxation.*

OVR Soveraine Lorde and Eſtaites of this preſent Parliament, for the better explaining of the releife granted to Prelates & Miniſteres provided to perſonages and vicarages, Vicares, and vtheris beneficed men, be the Act maid be the eſtaites laitlie conveened, vpon the taxatiō of an hundreth thouſand pundes, granted be them for the defray of the honorable charges of the Princis *Baptiſme:* Findis and declaris that they and everie ane of them ſall have their juſt releife *pro rata*, of their part of this preſent taxation, vpon the fewaers, vaſſalles, penſioners, and tackſmen of teinds of their ſeverall benefices.

229 *That the Temporall landes annexed to the crown ſal remaine therewith, and that they ſuld be retoured.*

OVR Soveraine Lorde, and his Eſtaites of this preſent Parliament, declaris and ordanis, that all few landes annexed to his Majeſties, Crown be the act of annexation, remaine with his Majeſtie and Crown in all time hereafter. And that al few landes annexed, or vther few lands quhatſumeuer, within his Realme, be retoured and availed, to marke or pennie lands, that his Majeſtie may knaw the awner thereof. And being retoured that quhen it ſal happen ony impoſt or taxation to be raiſed, that the ſaidis fewares ſalbe charged according to their retoure.

230 *Caution ſuld be found be them quha ſuld make compt in the Checker*

OVR Soveraine Lord and Eſtaites of Parliament, ratifies and approvis, the act maid at *Edinburgh*, the zeir of GOD, ane thouſand, fiue hundreth, auchtie ſeuen zeires; Anent making of Compt in the Checker; And ſtatutis and ordanis, that all the Chalmerlaines & fewares of his Majeſties proper landes, Cuſtomers, Baillies of Burrowes, Schirreffes and vtheris intromettours with the dewties of his Hieneſſe propertie and caſualities, ſall finde caution and ſovertie, Burgeſſes of *Edinburgh*, for their zeirlie compeirance and making of compt in the Checker.

FINIS.

ANE TABLE OF THE PARTICVLAR ACTES AND vthers, maid be King Iames the Sext,

in the fourteenth Parliament, the viij. of *Iunij*, the zeir of God, ane thousand, fiue hundreth, ninetie foure zeires, not imprinted.

1 DEclaration anent the annexation of Kelso and Coldinghame.
2 That na preiudice be done to the Queenes Maiestie in this present Parliament.
3 Act in fauour of the Ministers of Glasgow.
4 Ratification of the Kirk of Brunt-Iland.
5 Ratification of the dispositions maid be vmquhile Patrick Bishoppe of Saint-Andrewes.
6 Ratification of the d spositiõ of the Kirk of Carrail.
7 Ratification of the Kirk of Greenock, and the Parochin of Innerkip
8 Anent the Chappell Royall of Striuiling.
9 Ratification of the act maid in fauour of the Skinnares.
10 Anent the dissolution of the Kirk of Neither-airlie.
11 In fauour of the Bishoppe of Dunkeld.
12 In fauour of the Bishoppe of Aberdene.
13 In fauour of Maister William Mall-vill, anent Kilwinning.
14 In fauour of the new College of Saint-Andrewes.
15 In fauour of the Proueist of Lincluden Collectour.
16 In fauour of David Seaton, of Parbroith, Comptroller.
17 In fauour of the Cittie of Glasgow.
18 In fauour of the Burgh of Kinghorne.
19 In fauoure of the Burgh of the Cannon-gate.
20 Anent the fair of Bathcatte.
21 Act in fauour of the Erle of Murray.
22 Of the Lord Fleming.
23 Of the Lord Levingstoun.
24 In fauour of the Countesse of Marre.
25 In fauour of the Laird of Maw.
26 In fauour of Maister George Young.
27 In fauour of Iohn Androw.
28 In fauour of Iohn Achesoun.

29 *In fauour of* Iames Smyith *and* Iohn Wel-wood
30 *In fauour of* Robert Abercrumby.
31 *Act in fauour of the fewares of the Kingis propertie in* Fife.
32 *In fauour of* Thomas Fowles.
33 *Againſt the exemption of* Nicoll Vdward *Burges of* Edinburgh.
34 *In fauour of* Robert Walde graue *Prentar.*
35 *Ratification of the act and contract anent the Cuinzie.*
36 *Of the act anent the bulzeon.*
37 *Of the actes anent Regraters and foreſtallers*
38 *Ratification to the Burgh of* Aberdene.
39 *Ratification of the Burgh in barronnie of* Turreff.
40 *Ratification of the Kingis Maieſties acquittances to the burgh of* Dundie.
41 *Ratification to the Duke of* Lennox, *of the Temporalitie of* Pluſcardin.
42 *To the Erle of* Marre.
43 *To* David Seaton *of* Parbroth, *Comptroller.*
44 *To the Clerke of Regiſter, and Maiſter* Iohn Hay *his ſonne.*
45 To *maiſter* Peter Young.
46 To *the Laird of* Drumlanrig.
47 To *the Conſtable of* Dundie.
48 To David Scrimgeour *of* Fordie
49 To Iohn Hay *of* Lochloy.
50 To Iohn Arnot.
51 To *captaine* Patrick Cranſtoun.
52 To *maiſter* Henrie Keir.
53 To George Haliburntoun *and his wife.*
54 To *the Clerke of Regiſter of the Chaplaines Chalmers of* Aberdene.
55 The *Commendatar of* Pettin-weeme.
56 To Patrick Hume *of* Polwart.
57 *Anent the Brig of* Dalkeith.
58 *Proviſiones in fauoures of Burghs erected ſen the acte of annexation.*
59 *Anent the Hoſpitalles and Schooles.*
60 *Exceptiones fra the act anent Penſiones foorth of the erectiones, ſen the annexation.*
61 *Exceptiones fra the generall act of diſſolution.*

FINIS.

THE XV. PARLIAMENT

OF KING IAMES THE Sext, halden at Edinburgh, the nineteenth day of December, the zeir of God, *ane thousand, fine hundreth, ninetie* seven zeires.

231 All Miniſters provided to Prelacies, ſuld haue vote in Parliament.



OVR SOVERAIN LORD, AND His Hieneſſe Eſtaites in Parliamente, havand ſpeciall conſideration and regairde, of the great priviledges and immunities, granted bee his Hieneſſe Predeceſſoures, of maiſt worthie memorie, to the halie Kirk within this Realme; And to the ſpeciall perſones, exercing the offices, titles, and dignities of Prelacies, within the ſamin: Quhilkis perſones, hes ever repreſented ane of the Eſtaites of this Realme, in all conventiones of the ſaidis Eſtaites: And that the ſaidis priviledges and freedomes hes bene from time to time renewed and conſerved in the ſame integritie, and condition, quhair-in they were at ony time of before: Swa that his Majeſtie, acknowledging the ſamin now to be fallen and becummin, vnder his Majeſties maiſt favourable protection: Therefore his Majeſtie of his greate zeale, and ſingular affection, quhilk hee alwaies hes to the advancement of the trew religion, preſentlie profeſſed within this realme with adviſe and conſent of his Hieneſſe eſtaites, ſtatutis, decernis, and

declaris, that the Kirk within this Realme, quhairin the ſamin Religion is profeſſed, is the trew and halie Kirk: And that ſik Paſtoures and Miniſters within the ſamin, as at ony time his Majeſtie ſall pleaſe to provide to the office, place, title, and dignitie of ane Biſhop, Abbot, or vther Prelate, ſall at all time hereafter, haue vote in Parliament, ſik-like and als freelie, as ony vther Eccleſiaſticall Prelate had at ony time by-gane: And als declaris, that all and quhat-ſum-ever Biſhopprickes, preſentlie vaikand in his Hieneſſe handes, quhilkis as zit ar vn-diſponed to ony perſon; or quhilkis ſall happen at ony time hereafter, to vaik, ſalbe onelie diſponed be his Majeſtie, to actual Preacheres and Miniſters in the Kirk: or to ſik vthers perſones, as ſalbe foundin apt and qualified, to vſe and exerciſe the Office and function of ane Miniſter & Preacher: And quha in their proviſiones to the ſaid Biſhopprickes, ſal accept in, and vpon them, to be actuall Paſtoures and Miniſters: And according thereto, ſall practize and exerce the ſamin thereafter.

ITEM, As concerning the office of the ſaidis perſones, to be provided to the ſaidis Biſhopprickes, in their Spirituall policie and goverꝛnement in the Kirk: The eſtaites of Parliament, hes remitted, and remittis the ſamin to the Kingis Majeſtie, to be adviſed, conſulted, and agreed vpon, be his Hieneſſe, with the General Aſſemblie of the Miniſters, at ſik times as his Majeſtie ſall thinke expedient to treat with them thereupon: But prejudice alwaies in the meane-time, of the juriſdiction and diſcipline of the Kirk, eſtabliſhed be actes of Parliament; maid in onie time preceeding, and permitted be the ſaidis acts, to all Generall and Provincial Aſſemblies, and vthers quhatſumever Presbyteries and Seſſiones of the Kirk.

232 Kirk-zairde dykes ſuld be bigged.

OVr Soveraine Lord, and eſtaites in Parliament, ſtatutis, decernis & ordainis: That all Parochiners of everie Paroch Kirk within this Realme, build and repaire the Kirk-zairde dykes of their awin Paroch Kirk, with ſtane & morture, to the hight of twa elnes: And to make ſufficient ſtiles & entreſſe in the ſaidis dykes, to pas to the Kirk & Kirk-zaird thereof: And ordainis the Lordes of the Seſſion to direct and giue letters and charges thereupon, in forme as effeiris.

233 Alienation of the Kingis annexed propertie.

THE Kingis Majeſtie, and Eſtaites in Parliament, decernis and declaris, that all heretable infeftmentes of few-ferme, ſet, given, and diſponed be his hieneſſe, or ony of his Progenitoures of gud memorie, of annexed propertie, is null of the law, be way of action or exception, except ſik infeftmentes and diſpoſitiones, quhilkis ar ſet be his Majeſtie, or his Predeceſſoures, being of perfite age, after diſſolution maid in Parliamente, in his or their majoritie, with augmentation of the rentall.

234 *The annexed propertie may not be disponed bot in few-ferme allanerlie.*

ITEM, It is decerned and declared, That all heretable dispositiones given and granted in ony time by-gane, or to cum, to ony person, of his hienes annexed propertie, to be halden of his Majestie, and his Successoures in chiefe, be service of waird and reliefe: or in ony vther maner of halding, then in few-ferme allanerly, is null and of nane availl, be way of action, or exception: Becauſe landes, or vther annexed propertie to the crowne, cannot be set or disponed, bot in few-ferme allanerlie: Providing that this constitution na waies prejudge sik infeftmentes and alienationes, as ar maid and given be his Hieneſſe, or his Predeceſſours, be way of *excambium*, permutation, or recompensation: Swa that thereby his Hieneſſe rentall be not diminished.

235 *Anent disposition of the Kingis Caſtelles, and certaine vthers partes of the annexed propertie.*

IT IS Decerned and declared, that all heretable alienationes in few-ferme, or vther-waies, assedationes, rentalles, pensiones, giftes, or dispositiones quhatsumever, maid and given be his hieneſſe, or ony of his Predeceſſoures, of his Majesties Palices, Caſtelles, Parkes, meadowes, Coale-heuches, and vthers vnder written: they ar to say, of the Palice of *Haly-rude-houſe*, and Park thereof: Palice of *Linlith-gow*, Park and Coale thereof: Palice of *Falk-land*, Coale, Parke, and *Lowmoundes* thereof: Caſtell of *Striviling*, Parkes and wairdes thereof, and of the *Tor-woodde*: Caſtell of *Dumbartane*, with the landes and maines adjacent thereto: Caſtell of *Blackneſſe*. And generallie of all and quhatsumeuer Caſtelles, Parkes, meadowes, Coale-heuches, and vthers of his Majesties annexed propertie, ar null, and of nane auaile, force nor effect, fra the beginning, be way of action or exception.

236 *Disposition of the annexed propertie maid before the dissolution, or nocht conforme to the conditiones thereof is null.*

IT Is ſtatute, that all infeftmentes, alienationes, rentalles, assedationes, pensiones, gifts, discharges, and vther dispositiones quhatsumever, of the annexed propertie: And speciallie of the customes, great or small, maid or given after the annexation, and before lauchfull dissolution in Parliament: Or maid & given, after the dissolution, and zit contrair to ony of the conditions of the same, ar null of the law, be way of action or exception, in all time by-gane, and to cum.

237 *Aſſiſe herring may not be diſponed.*

IT Is ſtatute and ordained, that all infeftmentes and alienations in few-ferme, or vtherwaies, and all rentalles, aſſedationes, and diſpoſitiones quhatſumever, in all time by-gane, and to cum, of the aſſiſe herring, is null and of nane availe: Becauſe the ſaide aſſiſe herring perteinis to our Soveraine Lorde, as ane part of his cuſtomes, and annexed propertie.

238 *Anent heretable Chalmerlanries, and diſpoſitiones of the propertie.*

ITEM, The Kingis Majeſtie, and Eſtaites in Parliament, decernis and declaris, all offices of heretable Chalmerlanries, and al free giftes and diſcharges of the Kingis propertie, or ony part thereof, with all fees, caſualities, or priviledges perteining thereto, to be null, and of nane availl, And ordainis them to ceaſe in all time cumming: Swa that the King, and his Comptroller, may freelie intromet with the ſame, and all the rentes thereof, like as gif the ſaidis offices and diſpoſitiones had never bene maid.

239 Alienatio feudifirmæ feudifirmarum.

OVR SOVERAINE LORD, and Eſtaites in Parliament, retreatis, reſcindis, caſſis and annullis al & quhatſumeuer heretable infeftmentes, and all and ſindrie vther diſpoſitiones, maid and given to ony perſon in ony time by-gane, of ony part of the few-ferme dewties, perteining to his Hieneſſe, foorth of the annexed Temporalitie of benefices of this Realme: Or of the annexed propertie: Or of ony parte of the patrimonie of the Crowne.

240 *Anent tackes and penſiones, given foorth of thriddes.*

ITEM, It is ſtatute and ordained, that all tackes and aſſedationes, ſet in diminution of the rentall, or firſt aſſumption: And penſiones maid and given to ony perſon, in ony time by-gane, or in time hereafter, of the thriddes of the benefices, or ony parte thereof: Ar, and hes bene fra the beginning, null and of nane availe: And that it ſall not bee leaſum to his Hieneſſe, in ony time cumming, to giue and diſpone the ſame, in ony maner of way.

241 *Anent thriddes of Benefices, commoun Kirkes, Friers landes, rentes, and benefices of cure vnder Prelacies.*

OVR SOVERAINE LORD, and Eſtaites in Parliament, Ratifies, apprievis and confirmis, the act maid be his Hieneſſe, with adviſe

aduise of the Lordes of his ſecreit Councell and Checker, vpon the fourteenth day of *Februar*, the zeir of God, ane thouſand, fiue hundreth fourſcore ſeuen zeirs: And confirmed in Parliament, with aduiſe of the Eſtaites, vpon the fifth daye of *Iunij*, the zeir of God, ane thouſand, fiue hundreth, ninetie twa zeires: Anent the reformation of the abuſes of the thriddes of benefices, commoun Kirkes, Friers landes, rentes and benefices of cure vnder Prelacies, within this Realme: And reducing of the ſame to their firſt inſtitution: to haue the ſtrength, force, and effect of ane perpetuall and general Law, in al time cumming: In all clauſes and artickles of the ſamin, and conforme to the tenour thereof in al poyntes: Amangſt all and ſindrie our Soueraine Lordis Lieges, alſweill be way of action and perſute, as be way of exception and defenſe: And declaris and decernis, all and ſindrie exceptiones, granted in fauour of ony perſon or perſones, in the bodie of the ſaid acte, or ſeuerallie in the ſaid Parliament, halden at *Edinburgh* the ſaid fifth day of *Iunij*, the zeir of God, ane thouſand, fiue hundreth, ninetie twa zeires: Or in ony vther Parliament halden thereafter, to be null, and of nane availe, force, nor effect, be way of exception or reply: like as gif the ſamin had never bene given or granted: Prouiding alwaies, that the exception and proviſion conteined in the ſaid acte and conſtitution, touching heretable infeftmentes, ſall remaine and ſtande in the awin ſtrength and effect, as ane exception maid fra the ſaid acte and ordinance: And ſik like, but prejudice of ony priuiledge granted to the College of juſtice, or ony of the Lordes thereof.

242 *The twa part of the benefices vaikand, ſall apperteine to the King.*

IT Is ſtatute and ordained, that the twa parte of the Spiritualitie vnaſſumed of all Prelacies now vaikand, or that ſall happen to vaik: And all fruites, rentes, profites, and emolumentes thereof, *ſede vacante*, ſall apperteine to his Hieneſſe and his Succeſſoures, to the ſuſtentation of their houſes and affaires: And ſall on na waies be diſponed in all or in part, to ony perſon, be way of penſion, gift or diſpoſition quhatſumeuer.

243 *Anent ratificationes and diſpoſitiones maid in Parliament.*

FOR-SAMEIKLE As there is certaine Generall and Originall lawes, quhairby expres proviſion is maid, that his Majeſties propertie and annexed Temporalitie of benefices, may not be dilapidate nor diſponed, to his hieneſſe prejudice, and derogation of the ſaidis Lawes. IT IS Therefore ſtatute and ordained be his Majeſtie, with aduiſe of the Eſtaites in Parliament, that the ſaidis generall Lawes ſall haue their full effect. And that na derogation ſalbe maid thereto, bee

quhatſumeuer gift or diſpoſition: Notwithſtanding the ſame be e particularly ratified in Parliament, except the ſaid ratification and new diſpoſition be maid with expreſſe and ſpeciall diſpenſation of the ſaidis generall Lawes, and bee adviſe of the eſtaites to bee ſpeciallie mentioned therein: And that the Lordes of the Seſſion ſall Iudge according to the generall lawes, without reſpect of ony particular derogation maid thereto, to his Majeſties hurte or prejudice, or contrair the tenour of the ſaidis actes.

244 Miniſters and poſſeſſoures of benefices, ſall giue vp the rentall of the Temporalitie.

IT Is ſtatute and ordained, that all Miniſters that ſall happen to receiue ony aſſignationes for their ſtipendes, foorth of the fruites and rentes of ony benefice, within this realme, ſal at the time of the receiueing of their aſſignationes, and raiſing of letters conforme thereto, declare and giue vp particularlie to the Clerk directer and ſubſcriver of the ſaidis letters, how meikle they, or ilk ane of them hes of the Temporalitie, given and diſponed vnto them, in their ſeverall aſſignationes: The quhilk Clerke ſalbe halden and obliſhed, to giue and deliver the ſame, to the Clerk of the Theſaurarie of augmentation, to be inſert and remaine in Regiſter in all time cumming: And maireover, al and ſindrie Prelates, and vthers poſſeſſoures of all benefices, quhilkis ar at his Hieneſſe gift or diſpoſition, ſall likewiſe giue vp, to the Clerke foreſaid, ane ſufficient inventare, conforme to the firſt aſſumption of the thriddes of all rentes, profites, and dewties, of the twa part of the ſaidis benefices: And how meikle thereof is ſet in few-ferme, or in *feudifirma feudifirmarum*: With certification to them, and everie ane of them, gif they failzie, or gif they ſal happē to omit ony of the rents or fruits foreſaids: or giue vp ane rental, quhilk is not juſt & leil: In that caſe their benefices ſal vaik in his Hieneſſe handes, as gif they were naturallie dead: Swa that his Hieneſſe may diſpone thereupon, and intromet with the profites of the ſame, at his pleaſure.

245 The fewars of the Temporalitie, ſuld giue vp ane rentall of their dewties.

IT Is ſtatute and ordained, that all fewars, of quhatſumeuer annexed landes, perteining to the Temporalitie of all benefices within this Realme, except laïck patronages, ſall before the firſt day of *Ianuar*, the zeir of God, ane thouſand, fiue hundreth, ninetie aucht zeires, exhibite and produce to the Theſaurare of augmentationes, and his deputes, their infeftmentes and titles, quhair-by they bruike and poſſeſſe the ſaidis landes: To the effect his hieneſſe and his ſaidis officiares may be inſpection thereof, vnderſtande the dewtie quhilk they, and ilk ane of them aucht and ſuld pay to his hieneſſe: The quhilk Clerke, ſall extract ane minute thereof: And all the ſpeciall clauſes and proviſiōnes,

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gif ony be contcined in the ſaidis infeftmentes, to remaine with him, as ane trew and authentick rentall, of his Hieneſſe Temporalitie in time cumming: And gif ony of the ſaidis fewars failzies in the premiſſes, the infeftment of few-ferme, and all vther richt and title quhilk he can alleage and pretend to the ſaidis landes, to be null, and of nane availe, force nor effect, be way of exception or reply: and it ſal be leaſum to the King & his Theſaurar foreſaid, to intromet, lift, and vptak the mailles, fermes, & dewties, at the terme and feaſt of *Whit-ſunday*, nixt & immediatlie following, the ſaid firſt day of *Ianuar* foreſaide: And ordainis that this acte ſalbe imprented before the firſt day of *Maij* nixt to-cum: Or failzieing thereof, ſall bee openly publiſhed at the heade Burgh of ilk Schire: And that the ſamin ſall not be extended to ony perſon, quha hes produced and ſchawen their haldinges alreadie.

246 All fewes may be decerned null, for not payment of the dewtie, albeit na proviſion be maid there-anent in the infeſtments

OVR Soveraine Lord, and Eſtaites of this preſent Parliament, haueand conſideration of the greate damnage and skaith, quhilk his Majeſtie and lieges of this Realme ſuſteinis, throw evill and vntimous payment of the few dewties of their landes, let in few-ferme: Therefore ſtatutis and ordainis, that incaſe it ſal happen in time cumming ony vaſſall or fewar, haldand landes in few-ferme, of our Soveraine Lord, or of ony vther ſuperiour immediatlie in few-ferme, to failzie in making of paymẽt of his few dewtie to our Soverain Lords Comptroller, or vther havand power of him, or to vther immediate ſuperiour, or vthers haueand power of him, be the ſpace of twa zeires, haill and togidder: That they ſal amitte and tine their ſaid few of their ſaids lands, conforme to the civil & cannon Law: Sik-like & in the ſame maner, as gif ane clauſe irritant were ſpeciallie ingroſſed and inſert in their ſaidis infeftmentes of few-ferme.

247 It is not leaſum to tak mair annual-rent or profite, nor ten for the hundreth.

OVR SOVERAINE LORD, And Eſtaites of this preſent Parliamente, havand conſideration, that exorbitante profite and vſurie taken for the lene of money: Is nocht onelie bee the Lawe of GOD condemned, bot alſwa is for-bidden bee the Lawes of this Realme, and Actes of Parliament: Therefore ſtatutis and ordainis, that nane of our Soveraine Lords lieges take vpon hand in ony time hereafter, to take ony greater profite, or annual-rent, for the lene of money, outher be infeftment, or be band or contract, directly, or indirectly, bot ten for the hundreth, vnder paine of confiſcation of all their moveable guds and geare: And to be vtherwaies puniſhed in their perſones, as common ockarers, according to the Lawes: And for that effect, to be called & perſewed at particular diettes, before the juſtice and his deputes, to vnderly the Lawe for the ſamin: And that all infeftmentes, contractes, and

obligationes to be maid in time cumming, for payment of annual-rent of victuall: That the victuall therein conteined, ſalbe reduced to ſik conformitie of price, as ſall anſwere to ten for the hundreth allanerlie: Swa that the partie addebted, payand ten for the hundreth, the ſamin ſal be als lauchfull, as gif they had payed the victuall conteined in the ſaidis infeftments. And becauſe there is diverſe perſones, quha obteinis them ſelues infeft in the propertie of landes, for ſmall ſummes of money, vnder reverſion: and ſettis tack back againe to the heretour, or vthers to his behooue, for payment of ane great dewtie in ſilver or victuall, far exceeding the profite of Ten, for ilk hundreth: As alſwa be contract, band or obligation, makis ſimulat forme, of byeing or ſelling of victual, to be delivered at ane certaine day, and failzieing thereof, certaine high prices liquidat therein, of intention onely in defraud of the ſaid act, to recover with their principal ſumme, ſik exorbitant ocker and profite, as is directlie forbidden herein: As likewiſe there is diverſe perſons, quha the time of the deburſing of the ſaid ſũme, quhilk they let to profite, aggries with the partie for the vſurie and ocker, far exceeding the ordinar annual-rent foreſaid, and reteinis the ſame in their handes, and takis their ſecuritie be plain forme of obligation, or vtherwaies of the hail ſumme to be payed at ane certaine terme, as gif na ſik exorbitant profite and ocker had bene deduced or allowed therein: Therefore ſtatutis and ordainis, that al ſik infeftments, bandes, contractes, or obligationes, quhilk ſall happen to be maid, in maner foreſaid, in defraud of the ſaidis acts & ſtatutes, & for circumvention of the lieges, aſtrictand them to pay farder profite in ſilver, nor according to Ten for the hundreth: or mair victual, nor may be anſwerable in price, to the annual-rent in ſilver foreſaied, in maner abone ſpecified, ſalbe null, and of nane availe, force nor effect, as gif the ſamin had never bene maid: Notwithſtanding quhat-ſum-euer vther culloured or pretended clauſe be inſert therein: And the ſaid nullitie vpon the cauſes foreſaid; to be received ſummarlie, alſweill be way of exception and reply, as be way of action, and to be tryed be the aith of partie, and all vther lauchfull probation conjoined therewith, competent of the Law; quhairby the ſaid vn-lauchfull ocker may be verified to the judge, and the ſaid nullitie to be perſewed be the partie, his aires, executoures, and aſſignayes: with concurrence of the Kings Advocate; againſt the creditour, his aires and executoures: Notwithſtanding quhatſumever ratification of the bande and infeftment, or renuntiation of the ſaid action, granted be the partie, quhairin it ſall nocht be leaſum to him to tranſact, without his Majeſties conſent and licence granted to that effect: And the ſaid infeftment, band, and obligation being reduced: the Kingis Majeſtie & his donatour to haue vndoubted richt to the principal ſũme quhilk was delivered, togidder with the ordinar annual-rẽt, of al zeires & termes bygane vnpayed: & the partie to haue repetitiõ of quhatſumever exorbitant profite he hes paied, exceeding the ordinar annual foreſaid, in caſe he concur with his Hienes Advocat, in the ſaid

reduction

reduction, vtherwaies to be debarred from the repetitiõ of ony ſummes payed be him: The Kingis Majeſtie alwaies, his Advocat and donatour to haue full richt in their perſones, to perſew the reduction, and annulling of the ſaidis ſecurities, for the cauſes foreſaidis, albeit the principall partie refuſis to concur with them therein.

248 The paine of Bearers, vſers, or ſchutters with Piſtolettes, Culverings dagges, or ingines of fire-warke

OVR Soveraine Lord, ratifies and apprievis the acte of Parliament, maid of before be his Hieneſſe, with conſent of the three Eſtaites, in the Moneth of *December*, 1567. anent ſchutting and bearing of Culveringes, and vther ingines of fire-warke, and ordainis the ſame to be put to execution with all rigour. And the contraveeners thereof, to be puniſhed, conforme to the paines conteined therein: And mairover, be confiſcation of all their gudes moveable: Swa that the ane paine ſall not ſtop or ſtay the vther, except it be vtherwaies thocht expedient be his Hienes: The ane halfe thereof, to apperteine to the apprehender, for his travell and laboures: and the vther halfe to be applyed to our Soveraine Lordis vſe: And for execution thereof, makis and conſtitutis, ilk Schireffe, Steward, Baillie, barronne, and Proveſtes, Aldermen and Baillies within burgh, his Majeſties juſtices in that parte, everie ane within their freedomes and juriſdictiones: with power to them to ſearch, ſeek, tak and apprehend the offenders and contraveeners, and put them to ane aſſiſe, and being convict, to put them in warde, quhil the paine foreſaid be paid, and vntil they finde ſicker ſovertie to forbeare in time cumming: And this acte to ſerue for ane ſufficient commiſſion, to the effect foreſaid.

249 The prices of gold and ſilver: Of foreine cuinzie, and bulzieon.

OVr Soveraine Lord and Eſtaites of this preſent Parliament, ratifies apprievis and confirmis the acte maid at *Dundie*, the fourteenth day of *Maij*, 1597. anent the downecrying of the ſilver: of the quhilk the tenour followis. The quhilk day the Kingis Majeſtie, his Nobilitie, Councell and eſtaites preſentlie conveened: conſiddering the preſent ſcarcetie of cuinzied money, now current within this Realme: And the great dearth and exorbitant prices, quhairvnto all ſortes of golde and ſilver, alſweill foreine, as of his hieneſſe awin cuinzie, ar preſentlie redacted, be the libertie, quhilk all ſortes and degrees of perſones takis at their awin handes, in raiſing of the prices of all Golde and Silver at their pleaſure, farre abone the iuſte availle, preſcrived in his Hieneſſe Lawes, Actes, and Proclamationes, maid thereanente: Bee the quhilk forme of doing, and bee the vn-lauchfull tranſporting of the Cuinzie at all times foorth of this Realme, greate diſ-ordoure and confuſion hes bene interteined, and is likelie dailie to in-creaſe,

to

to the hurte of the commoun weill, and greate contempt of his Hieneſſe, and his authoritie, gif the Lawes alreadie maid hereanent, ſall not bee put to dew execution in all poyntes, according to the tenour thereof, with all convenient expedition. AND THEREFORE, his Majeſtie, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, hes concluded and ordained, and bee thir preſentes ratifies and apprievis, the Lawes alreadie maid, anente the diſchargeing of the dailie raiſing of the prices of Golde and ſilver. AND ORDAINIS, that all and ſindrie perſones, tranſgreſſoures of the ſaidis Lawes, in raiſing of the ſaidis prices, ſall bee called, tryed, and puniſhed therefore, with all extremitie.

AND FORDER, That his Hieneſſe, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites fore-ſaidis, hes thocht meete to declare and make it manifeſt: THAT Fra the ſeventeenth daye of *Maij* inſtant, The ounce of ſilver cuinzied in ten ſhilling peeces, and the vther ſmaller peeces of elleven pennie fine, cuinzied according to the laſte acte of Parliamente, ſall ſtande at fiftie ſhillinges: And the aulde threttie ſhilling peeces, being of the like weicht and fineſſe, at the ſame price: And the newe threttie ſhilling peeces, being three quarters of ane ounce, at threttie ſeven ſhillinges ſex pennies: And the aulde and newe Twentie and Ten ſhillinge peeces, according thereto. *pro rata*: And the ounce of Golde, of twentie twa Carret fine being his Hieneſſe awin Cuinzie, of fiue pounde and fiftie ſhillinge peeces, ſall alſwa ſtande at threttie pounde the ounce: AND FORDER, That the ſpeces of money, and fineſſe thereof: To witte, of elleven pennie fine in ſilver: And twentie twa Carrette fine in Gold, ſall bee Cuinzied, and haue courſe hereafter, conforme to the Actes of Parliamente, maid there-anent: AND THAT All Merchandes, or vtheris perſones, tranſporters of the ſame foorth of this Realme, be tryed and puniſhed according to the ſaidis Lawes and Actes foreſaidis: And ſik-like, that na foreine cuinzie of Golde or ſilver ſall haue courſe amangſt his Hieneſſe lieges hereafter: Bot halilie in-brocht to ſerve as bulzieon to his Majeſties Cuinzie-houſe. And that all Golde, ſilver, or vther Cuinzie, quhilk ſalbe brocht within this Realme hereafter, quhair-vnto his Hieneſſe ſubjectes ar aſtricted to bring in, bee his Majeſties Lawes, as bulzieon: The ounce thereof, being of twelue denieres, Or being baſſer, and ſupplied bee compt and quantitie, to bee woorth twelue Denieres: THE Merchandes in-bringers thereof, ſall haue ane ounce of his Hieneſſe awin cuinzie of elleuen denieres for everie ounce of bulzieon, brought in maner fore-ſaide: AND of all vther foreine Cuinzie, that they ſall voluntarlie bring in to the Cuinzie-houſe of the ſaide ordinar Bulzieon: That there be onelie the threttie pennie thereof reteined to his Majeſties profite.

And

And alſwa ordainis, that all the ſaide Lieges, conforme them-ſelues in this mater of the cuinzie: to the will, declaration and determination of his Majeſtie, his Nobilitie, Councel, & Eſtaites foreſaids: And on na waies take vpon hande to breake, or contraveene the ſamin in ony part, as they will anſwere to his Hieneſſe, vpon their obedience, at their vttermaiſt charge and perrell: And vnder the paines preſcrived in his Hieneſſe Lawes, to be execute vpon them without favour. And to this effect, that the Theſaurer and his deputes, inſiſt, and ſecke the execution of the paines and puniſhmentes preſcrived in the ſaidis Lawes, againſt the contraveeners thereof, with all rigour and extremitie, as they will anſwere to his Hieneſſe, vpon their office and obedience: And that the Generall maiſter cuinzieour, Warder, Counter warde, Maiſter cunzieor, aſſayer, ſinker, meltare, forger, and al vthers officiares of his Hienes Cuinzie-houſe, proceede to the cuinzieing, ſtriking, and forgeing of new cuinzie, according to the lawes alreadie maid, and this preſent acte and ordinance, as they will anſwere to his Hieneſſe, vpon their offices. And to the effect his Majeſties ſubjectes may be reſolved of the prices of all golde and ſilver to be brocht be them within this Realme: And quhilk the Maiſter cuinzieour ſalbe aſtricted to paye to them, conforme to the tenour of thir preſents, he ſalbe aſtricted to haue openlie affixed in his houſe of exchange, ane authentick Table, to be maid be his Hieneſſe Cõmiſſioners, appoynted to that effect, conteinand the particular prices of all ſpeces of foreine Gold and ſilver, vſuallie in-brocht within this cuntrie: According to the availe, weicht, and fines thereof: And that the Clerke of his Hieneſſe Regiſter, cauſe imprent thir preſentes, and all vther acts maid concerning the cuinzie, cuſtomes, and bulzieon, quhair throw his Hieneſſe ſubjectes pretend na ignorance thereof: Quhilk acte abone written, our ſaid Soveraine Lord, with adviſe of the ſaids Eſtaites in Parliament, ratifies, apprievis, and confirmis in all poyntes, after the tenour thereof: And decernis & declaris the ſamin, to haue the ſtrength force and effect of ane law and acte of Parliament, in all time cumming.

250 *Woll ſuld not be tranſported foorth of the Realme.*

OVr Soveraine Lord, and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the act maid at *Dundie*, the threttenth day of *Maij*, the zeir of God, ane thouſãd, fiue hundreth, ninetie ſeven zeires: Anent the reteining of wooll within this Realme: Of the quhilk the tenour followis. THE Quhilk day, the Kingis Majeſtie, with adviſe of his Nobilitie, Councell, and Eſtaites, preſentlie conveened, ratifies, apprievis, and confirmis the acte of Parliament, maid be his Hieneſſe, and his Eſtaites for the time; Anent the receiving and reteining within this Realme, of all the wooll quhilk growis within the ſame, in al and ſindry pointes, artickles, & clauſis therein conteined: And ordainis the ſaid act to be put to dewe execution in all poyntes againſt the contraveeners

thereof

thereof: notwithſtanding ony licences or vther diſpenſation, granted be his Hieneſſe in the contrair : Quhilkis licences and diſpenſationes, ſtrength and effect thereof, his Majeſtie annullis, and diſchargis *ſimpliciter* be thir preſentes: Promitting on na waies, to grant ony ſik licences or diſpenſationes at ony time hereafter: And that crafteſ-men ſtrangers, be brocht hame within this Cuntrie, for woorking of the ſaid wooll within the ſamin, for the commoun weill and profite thereof, in time cumming: Quhilk acte abone written, our ſaid Soveraine Lorde, with adviſe of the Eſtaites in Parliamente, ratifies, and confirmis in all poyntes, after the tenour thereof: And decernis and declaris the ſamin to haue the ſtrength of ane Law and acte of Parliament, in all time cumming.

251 *All Merchandice brocht within this Realme, ſuld pay cuſtome.*

OVR Soverain Lord, and eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis, the act maid at *Dundie*, the threttenth day of *Maij*, the zeire of God, ane thouſande, fiue hundreth, ninetie ſeven zeires: Anent our Soveraine Lordis cuſtomes; of the quhilk the tenour followis: FOR-SAMEIKLE as it is vnderſtand to the Kingis Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened, that the ſubjectes of all Foreine Nationes, quhilkis bringis and tranſportis ony kinde of claith, or vthers wares or merchandice, from ony foreine cuntrie, to their awin Natiue cuntrie, hes bene in vſe, and zit ſtill continues, in the payment of certaine cuſtome, or vther exaction therefore, chiefelie at the time of their arrivall, and in-cumming within the ſamin: And almaiſt few or nane of the ſubjectes of ony realme exeemed therefra (the ſubjectes of the cuntrie onely excepted) quha be reaſon of ane alleaged by-paſt immunitie, claimis the priviledge of exemption: Albeit it cannot be denied bot his Majeſtie is a free Prince, of a ſoveraine power, havand als greate liberties and prerogatiues, be the lawes of this Realme, and priviledge of his crowne and Diademe, as ony vther King, Prince, or Potentate quhat-ſum-ever: And therefore aucht to haue the like cuſtome and exaction, for interteining of his Princelie Eſtaite of all Claith and vther wares and merchandice, to be brocht within this Realme, be his Hienes ſubjects, at al times hereafter. For the quhilk purpoſe, his Majeſtie, with adviſe of his ſaide Nobilitie, Councell and Eſtaites, hes thocht meete, concluded, and ordained, that all Claith, and vtheris merchandice quhat-ſum-euer, to bee brocht within this Realme, fra all foreine Nationes, ſall pay the cuſtome following, at the time of their arrivall, and entrie therein, in all time cumming, that is to ſay, twelue pennies of everie poundes woorth of all ſortes of the ſaidis wares, or merchandice: And to this effecte, his hieneſſe, and his ſaide Nobilitie, Councell, and Eſtaites, givis full power and Commiſſion to the Lordes, Auditoures of his Checker, and vthers of his Nobilitie and Councell

Councell, to the number alwaies of elleven perſones, at the leaſt, to ſet downe the *A.B.C.* of the cuſtome of all claith, and vthers wares, and merchandice, quhilkis ſalbe brocht and entered within this Realm zeirlie here-after: with power likewiſe to them, to ſet price vpon the ſaidis wares: Conforme to the quhilk the Cuſtomers, to bee appoynted bee his Majeſtie to that effect, ſall vp-lift cuſtome thereof: And to make all vther ordinances neceſſar for the eaſe of the merchandes, and ſuretie of his Hieneſſe Cuſtome, in the execution of the premiſſes: And alſwa of ſik vther gudes, to bee tranſported foorth of this Realme, as is not as zit expreſſed in the *A.B.C.* alreadie maid: Providing this Acte bee not extended to Earles, Lordes, Barronnes, and Free-halders: Bot it ſall be leaſum to them, to ſend their gudes beyond Sea, for their awin particular vſe: AND ALS, It ſall bee leaſum to them to bring within this Realme, wines, Claithes, and vther furniſhinges, for their awin particular vſe: And na waies to make merchandice thereof, conforme to the Lawes and liberties granted to them of before: The quhilk acte, aboue written, OVR SOVERAINE LORD, and Eſtaites foreſaidis, decernis and declaris, to ſtand as ane law in all time cumming.

252 Engliſh *claith, and all vthers* Engliſh *merchandice maid of wooll, is forbidden.*

OVR SOVERAINE LORD, And Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the acte maid at *Dundie*, the threttenth daye of *Maij*, the zeir of GOD, ane thouſand, fiue hundreth, ninetie ſeven zeires: Anent the hame-bringing of *Engliſh* Claith: Of the quhilk the tenour followis: THE Quhilk day the Kings Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened, fore-ſeeing the greate hurte and inconveniente, quhilk the commoun weill of this Realme dailie ſuſteinis, throw the vn-profitable trade vſed bee merchandes, in the hame-bringing of *Engliſh* Claith, and vtheris *Engliſh* wares and merchandice maid of wooll: The ſame Claith hav and onelie for the maiſt parte, ane out warde ſchaw, wantand that ſubſtance and ſtrength, quhilk oft-times it appearis to haue: And being ane of the chiefe cauſes of the tranſporting of all gold and ſilver foorth of this realme: And conſequentlie of the great ſcarſitie, and preſent dearth of the cuinzie, now current within the ſamin: Seeing that kinde of exchange, cannot weill bee interteined be ony lauchfull trade, or vtheris wares or merchandice, to be tranſported foorth of this Realme, quhilk be the Lawes of the ſamin, ar not alreadie prohibite and for-bidden: And therefore his Majeſtie, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, hes thoucht meete and conveniente, to reſtraine the hame bringing within this Realme, of all *Engliſh* Claith, or vther *Engliſh* wares or merchandice maid of wooll in time cumming: And ordainis his hieneſſe Lieges, of quhat eſtaite, qualitie, or degree

that ever they be of, that nane of them take vpon hande, to bye or bring hame within this realm to be ſauld, ony kinde of *Engliſh* claith, or vther *Engliſh* wares, or merchandice maid of wooll, at ony time hereafter, vnder the paine of confiſcation of the ſame claith & merchandice: And al vthers the moveable gudes of the hame-bringers to his Majeſties vſe: The quhilk act, our ſaid Soveraine Lord, and Eſtaites foreſaids, ordanis to ſtand as ane law in all time cumming.

253 Great burne Coale, ſuld not be tranſported furth of this Realme.

OVR SOVERAINE LORD, And Eſtaites of this preſente Parliamente, ratifies apprievis, and confirmis the Acte maid at *Dundie*, the threttene daye of *Maij*, the zeire of God, ane thouſand, fiue hundreth, ninetie ſeuen zeires: Anent the tranſporting of Coales furth of this Realme. Of the quhilk the tenour followis: FOR-Sameikle as it is vnderſtand to the Kingis Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened: That the greate burne Coales, ar commounlie tranſported foorth of this Realme, be diverſe and ſindrie perſones, quha at all times laidenis their Schippes and vthers veſchelles therewith, and tranſportis the ſame at their pleaſure, vſand the ſamin as a commoun trade, togidder without his Majeſties licence or permiſſion: To the great hurte of the commoun weill, and expreſſelie againſt his Hieneſſe Lawes, actes of Parliamente, and ſindrie proclamationes maid in the contrair: For remeid quhairof in time cumming his Majeſtie, with adviſe of the ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, ſtatutis and ordainis, that na perſones, alſweill ſtrangers, as vthers borne ſubjectes of this Realme, take vpon hande to tranſporte onie greate burne Coale foorth of this Realme, at ony time hereafter: Nor zit laiden their Schippes, Creares, or vthers veſchelles there-with, to be tranſported, as ſaid is, vnder the paine of confiſcation of the ſame coales, Schippes, Creares, and vthers veſchelles, to his Majeſties vſe: Certifieng them, and they doe in the contrair, that the ſame Coalles, Schippes, Creares, and veſchelles, ſalbe confiſcat & intrometted-with, with all rigour and extremitie, in exemple of vtheris. And to this effect, that all Proveſtes and Baillies of the ſaidis Burrowes, Cuſtomers and ſearchoures quhatſumever, ſall ſearch, ſeeke, take, and apprehend all and ſindrie perſones, contraveeners thereof, keip, and cauſe reteine their perſones in warde, within their Tolbuithes: Fenſe and arreiſt their ſchips, Creares and veſchelles, take the ſailes fra the Raes, and keip them vnder arreiſtment, at his Majeſties inſtance, quhair-throw they departe not: Notifiand their names to his Hienes, that his Majeſtie may giue furder direction towards them, as apperteinis: As the ſaidis Proveſtes, Baillies, Cuſtomers, and ſearchoures will anſwere to his hieneſſe, vpon their office and obedience: The quhilk act, our ſaid Soveraine Lord & Eſtaites foreſaidis, ordainis to ſtande as ane law, in all time cumming.

254 Forbidden gudes ſuld pay cuſtome

OVR SOVERAINE LORDE, and Eſtaites of Parliament, ſtatutis and ordainis, that in-caſe ony of the for-bidden gudes vnder written, bee tranſported vpon licence foorth of this Cuntrie: The tranſporters ſall pay therefore, the cuſtomes vnder-written, To wit, for ilk ſtane of wooll, fiue ſhillinges: Ilk douzane elnes of linning claith, foure ſhillings: Ilk boll of victual, fiue ſhillings, and ilk poundes woorth of forbidden *Engliſh* wares, in-brocht to this Cuntrie vpon licence, twelue pennies.

255 All cocquettes ſuld be ſpeciall, and conteine the particular kindes of Merchandice.

ITEM, It is ſtatute and ordained, for eſchewing of the damnage and skaith quhilk dailie ariſis, throw generall and informall cocquettes, given and graunted within this Realme: That in al times cumming, all Clerkes of the Cocquet, ſall particularlie expreeme and ſpecifie in the Cocquettes given be them, the particular quantities of the gudes and merchandices, the ſpeciall kindes and ſortes thereof: The names of the merchandes, and awners of the ſamin: How meikle of the ſame gudes perteinis to ilk merchand: And that the Conſervatour in the *Law-Cuntries*, admit nor allow ony Cocquet, except it be written and formed in maner foreſaid, bot ſall confiſcate all the ſaidis gudes, nocht expreemed particularlie, as ſaid is: And make compt and reckoning thereof zeirlie to the Theſaurar, as he will anſwere vpon his office.

256 All Schippes ſuld haue ane ſufficient Cocquet.

IT Is ſtatute and ordaned, becauſe the Cocquet is the ſchippis paſ-port and teſtimoniall of her lauchfulneſſe; That the Conſervatour ſall fenſe and arreiſt all Schippes nocht havand ane Cocquet, or nocht havand ane Cocquet formelie written: And eſcheit the haill gudes and geare being in the ſaid Schip, to our Soveraine Lordis vſe, and make compt thereof zeirlie in the Checker to the Theſaurar.

257 The aith of the merchandes, Skippers, and factoures, paſſand to and fra the Law-cuntries, *and furth of this Realme.*

ITEM, the Conſervatour ſall nocht receiue or admit ony Cocquet, albeit the ſame be lauchfullie given, except the merchandes, skippers, Factoures, and everie ane of them, before the loſſing of ony of their gudes, make faith, and ſweare ſolemnedlie be God himſelfe his Creator, that hee hes na forbidden gudes or geare, nor na vther lauchfull merchandices, by, and attour that quhilk is conteined in the Cocquet: Nor knawis of nane to be in the ſamin ſchip, perteining to vthers: And that ſa far as he vnderſtandis, the haill gudes and geare perteinis properlie to free men, and na part thereof to vnfreemen: As alſwa at their back returning fra the *Law Cuntries*, towardes *Scotland*: They ſall likewiſe

giue their ſolemne aithes, before the laidening of the Schip, or inputting of ony gudes, that the gudes properlie perteinis to them ſelues, and nocht to ſtrangers: And gif they loſſe onie guds & geare cummand from *Scotland*, before the giving of the ſaide aith, or puttis ony gudes in Schip-burd, to be tranſported towardes *Scotland*, all the ſame gudes to bee confiſcate. And gif the ſaid aith be refuſed be them all, and they nawaies will make the ſame: It ſall be leaſum to the Conſervatour, to arreiſt the ſaide Schippe, and all the gudes conteined therein: And gif ſome makis aith, and vthers refuſis, hee ſall arreiſt all the gudes perteinand to the partie refuſand: And make compt thereof, as ſaide is: And quhatſumeuer gudes is nocht conteined in the Cocquet, to be confiſcate, as ſaid is.

ITEM, It is ſtatute and ordained, that all Merchandes & Skippers, at the receiving of their Cocquettes, in all partes & Portes within this Realme, ſall giue their ſolemne aithes, & mak faith in forme and maner abone expreemed: And that they haue na for-bidden gudes, nor na vther lauchful guds or merchandice, except that quhilk is conteined in their Cocquet and entres: And ſall tak na vther guds in, all that voyage, vnder the paines foreſaidis: Quhilk aith, ſalbe maid to the Cuſtomers, quhair-anent they ſalbe anſwerable zeirlie in the Checker.

258 *All Schippes and merchandes ſuld land at the ordinar Staple.*

IT Is ſtatute and ordained, that na Schippe paſſand to the *Lawe-Cuntries*, ſall Lande onie mennis gudes or geare in ony parte thereof, bot at the Town of *Camp Veere*, or the ordinarie Staple for the time: And na perſon ſall gang on Lande, or tranſporte ony thing out of the Schippe, before his arrivall at the ſame Porte, vnder the paine of Ten poundes *Flemiſh* to bee taken vp fra the contraveeners, be the Conſervatour, and he to bee comptable thereof, to the Theſaurar.

AND ORDAINIS, the Conſervatour in time cumming, to take the aith of the Skipper and merchands here-anent, before the loſſing of ony of their gudes and geare.

259 *The Conſervatour ſuld puniſh vſurers*

IT IS Likewiſe ſtatute and ordained, That the Conſervatour ſall put the acts of Parliament to execution, anent ocker & vſurie vpon al *Scottes* Merchandes, Skippers, and Factoures, within the *Law-Cuntries*, conforme to the tenour of the ſaidis actes in all poyntes: As he will anſwere vpon his office, and make compt anis in the zeir of his intromiſſion to his Hieneſſe Theſaurar.

260 All merchandes ſuld giue ane inventare of their merchandice and gudes, to the conſervatour.

ITEM, Everie particular Merchande cummand foorth of the Law-cuntries to this Realme, ſall giue vp to the Conſervatour, the ſpeciall quantitie of his gudes, and the qualitie thereof, before the in-barking of the ſamin gudes, vnder the paine of confiſcation thereof: And the Conſervatour to viſie and trie the ſame, at his pleaſure, to the effect that he may ſend hame ane cockquet of the ſame, particularlie to his Majeſties Theſaurer, ſubſcrived be him ſelfe or his depute: For eſchewing of the fraud quhilk may be vſed towardes his Majeſtie in his cuſtomes.

261 Of ſlayers of read fiſh, Smoltes, frie, and Salmond in forbidden time.

OVR Soveraine Lorde, and eſtaites of this preſent Parliament, vnderſtanding that there hes bene diverſe actes of Parliament maid anent the ſlayers of black fiſhe in forbidden time, ſmoltes, and fry of all Salmond fiſhe, and for halding downe of cruves and zaires, qnhilk hes not tane effect, throw the iniquitie of the time, and conſiddering that the greateſt hurte and skaith is ſuſteined bee his Majeſtie, throw wante and in-lack of ane great pairt of his Hieneſſe patrimonie, of the cuſtome of Salmound: Therefore his Grace, with conſent of the three Eſtaites, hes ratified and apprieved, and be thir preſentis, ratifies and apprievis, the former actes maid for puniſhing of ſlayers of read fiſh, ſmoltes, and fry of all fiſhes in for-bidden time, commiſſion and power therein conteined: Making the particular perſones therein mentioned, Iuſtices in that parte, with this addition: That all and ſindrie Earles, Lordes, Barronnes, Gentle-men, and Free-halders, havand lande nixt adjacent to the waters and rivers, quhairin Salmonde fiſh ar taken and ſlaine, within all the partes and boundes of this Realme, ſal according to the Generall bande, finde caution and ſovertie, acted in the buikes of Councell, that they, and euerie ane of them ſalbe anſwerable for their awin tennents and in-dwellers within their landes: And for all vthers within their boundes, ſa farre as their landes extendis, quhome they may ſtop or let, conforme to the generall bande, ſall not ſlay ony Salmond fiſhe, in forbidden time, with cobill, net, ſpeare, wand, creil, pock, or ony vther kinde of ingine: The Earle and Lord, vnder the paine of ane thouſand marks: The Barronne and Gentle-man, and vthers quhat-ſum-euer awners of waters and landes, vnder the paine of fiue hundreth markes: The ane halfe of the ſaidis paines, in-caſe of contravention to be vp-lifted to his Majeſties vſe: And the vther half to the judges conteined in the former acts: And that letters of horning be directed at the inſtance of the ſaids judges, and charge the ſaidis Earles, Lordes, Gentle-men, and free halders, to finde the ſaid ſoverties, acted in maner foreſaid, exceptand furth of this preſent act, the waters of *Annand* and *Tweid*.

262 *The inhabitantes of the* Iles *and* Hielandes *ſuld ſchaw their haldinges.*

OVR SOVERAINE LORDE, With adviſe of the Eſtaites of this preſent Parliamente, Conſiddering that the in-habitantes of the *Hie-landes* and *Iles* of this Realme, quhilkis ar for the maiſt parte of his Hieneſſe annexed propertie: Hes nocht onelie fruſtrate his Majeſtie of the zeirlie payment of his proper rentes, and dew ſervice properlie addebted be them to his Majeſtie, foorth of the ſaidis Landes: Bot that they haue likewiſe throuch their barbarous in-humanitie, maid, and preſentlie makis, the ſaidis *Hie-landes* and *Iles*, (quhilkis ar maiſt commodious in them ſelues, alſweill bee the fertilitie of the grounde, as be rich fiſhinges bee Sea) altogidder vn-profitable, baith to themſelues, and to all vtheris his Hieneſſe Lieges within this Realme: They neither interteyning ony civill or honeſt ſocietie amangſt them ſelues, neither zit admitting vtheris his Hieneſſe Lieges, to trafficque within their boundes, with ſafetie of their liues and gudes. FOR Remeid quhairof, and that the ſaidis in-habitantes of the ſaidis *Hie-landes* and *Iles*, may the better bee reduced to ane godlie, honeſt, and civill maner of living: IT IS Statute and ordained, that all Landeſ-lordes, chieftaines, and leaders of Clannes, principall houſe-halders, heretoures, and vtheris poſſeſſoures, or pretendand richt to ony landes, within the ſaidis *Hie-landes* and *Iles*, ſall betuixte this and the xv. daye of *Maij* nixt-to cum, compeir before the Lordes of his Hieneſſe Checker, at *Edinburgh*, or quhair it ſall happen them to ſit for the time, and there bring and produce with them, all their infeftmentes, richtes and titles quhat-ſum-ever, quhairby they claime richt and title to ony parte of the landes or fiſhinges, with in the boundes fore-ſaidis: And then thereafter finde ſufficient caution, acted in the buikes of Checker: For zeirlie and thankful paymente to his Majeſtie, of his zeirlie rentes, dewties, and ſervice addebted be them, foorth of the landes, poſſeſſed and occupied bee them, or ony in their names: And that they them-ſelues, men, tennentes, ſervandes, and dependares, ſall bee anſwerable to his Hieneſſe Lawes and juſtices: And that that they, nor nane of them, ſall doe injurie to ony vtheris his Hieneſſe Lieges, in their perſones or gudes, quha ſall happen to repaire and travell within the ſaidis bounds, for their lauchfull trafficque within the ſamin: And that they, and every ane of them, ſall make redreſſe to all parties, skaithed and hurte, or to be skaithed and hurte bee them, in time cumming, vnder ſik paines as it ſall pleaſe the ſaidis Lordes of Checker to modifie, by reparation of the skaithe to the parties, that ſuſteined the ſamin: With certification to them, and ilk ane of them, gif they failzie in the premiſſes, or to compeare and finde caution in maner, and within the ſpace foreſaide: That they, and everie ane of them, quha failzies, ſall bee decerned, like as bee this

this preſent acte, they ar decerned, to forefault, amit, and tine all pretended infeftmentes, and vther richt and title they haue, or may pretende to haue, to ony landes quhat-ſum-euer, they haue halden, or pretendis to hald of his Majeſtie, either in propertie, or ſuperioritie: Quhilkis their pretended infeftmentes and titles thereof, in-caſe of failzie foreſaide, ar now as then, and then as now, declared be this preſent Parliamente, to bee null and of nane availe, force, nor effect in them ſelues, and that the nullitie thereof, ſalbe received and admitted in all judgementes, be way of exception or reply, but ony proces, action, or declaratour of reduction to be given thereupon.

263 *Anent the bigging of Burrowes-Townes, in the* Iles *and* Hie-landes.

OVR SOVERAINE LORDE, With adviſe of the Eſtaites of this preſent Parliament: FOR The better interteining and continuing of civilitie and policie, within the HIE-LANDES and ILES: Hes ſtatute and ordained, that there be erected, and builded within the boundes thereof, Three Burghes and Burrowe-Townes in the maiſte conveniente and commodious partes, meete for the ſamin: To wit, ane in *Kintyre*, ane vther in *Lochaber*, and the thrid in the *Lewis*: To the quhilks Burghes, and inhabitantes thereof, OVR SOVERAINE LORDE, And Eſtaites foreſaidis, ſall graunt, and be thir preſentis grauntis all Priviledges, quhilkis his Hieneſſe, or his Predeceſſoures hes granted to ony vther Burghes, or inhabitantes thereof, within this Realme. AND that it ſalbe leaſum to OVR SOVERAINE LORDE, Be adviſe of the Lordes of his Majeſties Checker, to giue, graunte, and diſpone, to euerie ane of the ſaidis Burghes, ſameikle lande and grounde, foorth of his Hieneſſe annexed propertie, as may ſerue to bigge the ſaidis Townes vpon the ſamin, with ſameikle lande and fiſhinges nixt adjacent thereto, in commoun gude to everie ane of the ſaidis three Townes, as may ſuſteine the commoun chairges thereof, to bee halden in free Burgage of his Hieneſſe, in ſik forme and maner, as his Majeſties maiſt Noble Progenitoures of worthie memorie hes graunted of auld, to the erection of vthers burghes of this Realmes.

264 *Letters of horning, inhibitiones, interdictiones, executiones, and publication thereof, againſt perſones dwelland within Baillieries, ſuld be regiſtred in the Baillies buikes.*

OVR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ſtatutis and ordainis, that all letters of Horning relaxati-

relaxations, inhibitiones, interdictiones, and publicationes thereof, and vtheris of the like ſorte, that ſall at ony time hereafter bee raiſed, and execute againſt quhat-ſum-euer perſon within this Realme, dwelland within the Baillaries or Stewardries, alſweill of Royaltie, as Regalitie, be execute at the mercat-croce of the head Burgh, or Toun of the ſaidis Baillaries and Stewardries, within the quhilk the ſaidis perſones dwellis: And als that the ſamin letters be regiſtred in the ſaidis Stewart and Baillies buikes: Quhilk regiſtration, ſalbe als lauchfull in all time cumming, as gif the ſamin had bene regiſtred in the Schireffes buikes. And that all executiones and regiſtrationes, that ſall happen hereafter to be vtherwaies execute and regiſtred, ſalbe null, and of nane availe, with all that followed thereupon: And ordainis, all the generall clauſes and proviſiones inſert and mentioned in the acts of Parliament, maid of before, anent regiſtration of horninges, in the Schireffes buiks, to be halden as expreſſed and repeted in this preſent ordinance and conſtitution.

265 Regiſtration of letters of horning, relaxationes, inhibitiones ſuld be maid iudiciallie: Or before ane notar, and foure witneſſe: Of the Iudge refuſand the regiſtration.

IT Is ſtatute & ordained, that al regiſtrationes of letters of horning, relaxations, inhibitions, interdictions, before quhatſumeuer Schireffe, Steward, or Baillies, alſweil of royaltie, as regalitie, be either regiſtred in time cumming iudicially, or before ane Notar, and four famous witnes, by and attour the ordinar Clerke: And in-caſe ony Schireffe, Baillie, or Steward, alſweill of Royaltie, as Regalitie, refuſis to regiſter the foreſaidis letters of horning, relaxations, interdictions, and vthers of the like ſorte: That the partie quha preſentis the ſamin letter to be regiſtred: take inſtrumentes of the ſaide refuſal, and preſent the ſamin letter thereafter to the nixt Schireffe, Stewarde, or Baillie, or to the Clerke of Regiſter, and his deputes, to be depute be him: To the effect the ſamin may be regiſtred in the buikes of Councell: Quhilk regiſtration, ſalbe als ſufficient, as gif the ſamin letters were regiſtred in the Schireffe, Stewarde, or Baillies buikes, quhair the ſaidis perſones dwellis.

266 It is not leaſum to ſlay Deare, Raes, Hares, wilde-foules, or Dowes.

OVR Soveraine Lorde, and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the actes, lawes, and conſtitutiones, maid be his Hieneſſe, and his Predeceſſoures of worthie memorie of before, againſt the ſchutting and ſlaying of Deare, Raes, Hares, wildefoules, and Dowes, with hagbuttes, hand-gunnes, Croce-bowes, and Piſtolettes, and taking of them with girnes and nettes: And ordainis the ſame to be put to dew execution in all time hereafter, with this addition

dition,that it ſalbe leaſum to everie Schireffe,Steward,Baillie,and Barronne,within his awin boundes, to ſlay all lying dogges ,quhilkis the fowlers vſis,for ſlauchter of the ſaid wilde-fowles,& tak and apprehend the ſaidis Fowlers themſelues, and put them in ſtockes, and deteine them therein,for the ſpace of 48.hours,as oft als they be apprehended.

267 Auld vnlawes,ar valued and amplified

OVR Soveraine Lorde,and Eſtaites foreſaidis: Conſidderand the great contempt done be the maiſt part of the Lieges of this realm, quha ar charged to pas vpō aſſiſes,or to do ony vther thing vpō ſmal pecuniall paines of vn-lawes: Quhilkis paines be ſa ſmal,that they reſpect not the ſamin, bot diſobeyis our Soveraine Lordis authoritie: Therefore it is ſtatute and ordained,be our Soverain Lord, and three eſtaites, that quhenſoeuer ony perſon contraveenis ony Law,ſtatute, or acte of Parliament,maid of before, conteinand ane ſpecial pecunial paine and vnlaw: That he ſall pay for ilk twelue pennies of vnlaw of auld,ten ſhillinges,of preſent current money of this Realme: And for ilk twentie ſhillinges of auld, ten poundes of preſent money: And ſwa foorth proportionallie : And this ordinance to be vnderſtand of pecunial paines and vnlawes, conteined in the Lawes of this Realme,maid and conſtitute before the firſt day of March,in the zeir of God,1542.

268 Strang beggers,vagaboundes,and Ægyptians ſuld be puniſhed.

OVR Soveraine Lorde, and Eſtaites of Parliament, ratifies and aprieuis the actes of Parliament maid of before, againſt ſtrang and idle beggers , vagaboundes, and *Egyptians*, with this addition, That ſtarke beggers and their bairnes , bee imployed in commoun warkes: And their ſervice mentioned in the act of Parliament,in the zeir of God ane thouſand, fiue hundreth,ſeventie nine zeires , to bee prorogate,induring their life-times: And in place of ſeverall commiſſion in Landward to be granted be the King,for execution of the ſaid act,the power thereof to be granted to the particular Seſſion of the Kirk.

269 The paines of Law-burrowes ſuld be payed be him quha for his diſobedience is denunced rebell: The cautioner may be perſewed,or the principall.

OVR Soveraine Lorde,and Eſtaites of Parliament, ſtatutis and ordainis, that the paines of contravention,ſall be payed be the principall partie, that is charged to finde law-burrowes, albeit hee paſſe to the horne,and finde not caution: And gif he finde caution,that baith he as principall,and als his cautioner,ſalbe ſubject to the payment thereof, at the option of the perſewer, as in all vther pecuniall obligationes.

270 *The paine of the generall bande, is divided betuixt the King and the partie.*

OVR Soveraine Lorde, and Eſtaites of Parliament, ſtatutis and ordainis, that the paines of contravention of the general bande, ſalbe divided betuixt the King and the partie, in all time cumming.

271 *The Schireffe clerkes, ſuld bring their buikes to the Checker: They ſuld be marked.*

OVR Soveraine Lord, and Eſtaites of this preſent Parliament, finding that the ſecuritie of all byeing and ſelling of landes, and of al eſcheittes, depending vpon the regiſtration of inhibitiones, interdictiones, and horninges *reſpectiuè*; the credite quhairof allanerlie perteinis to the Schireffe Clerkes, quha hes bene oft times improven before the Seſſion: Therefore ſtatutis and ordainis, that their buikes be marked be the Clerk of Regiſter, in ſik forme & maner, as vther Notares buikes: And that the authenticke copies be reported zeirlie, to remaine in the Kingis Regiſter, quhair-anent they ſalbe anſwerable zeirlie in the Checker, vnder the paine of wairding of their perſones, or horning, as ſall pleaſe the Lordes Auditoures of the Checker.

272 *Barronnes ſuld ſend to the Parliament Commiſſioners with ſufficient commiſſiones.*

OVR SOVERAINE LORD, And Eſtaites of Parliament, ſtatutis and ordainis, that na Barronnes be received as Commiſſioners, for ony ſchireffedome within this realme, at ony Parliament, to be halden hereafter: Except the ſaidis Barronnes bring and produce with them ſufficient Commiſſiones, granted to them in ane full convention of the haill Barronnes of the ſaid Schireffedome: Quhilk Commiſſion ſalbe authorized, with the ſubſcription of ane great number of the Barronnes then preſent, togidder with the Clerke of the ſaid convention, his ſubſcription: And gif the ſaide Commiſſion be not paſt in dew forme, in maner foreſaid, his Hieneſſe and Eſtaites, diſchargis the Clerk of Regiſter, in all time hereafter, of ony receiving of their ſaidis Commiſſiones.

273 *Priſon-houſes ſuld be bigged within all Burrowes.*

OVR Soveraine Lorde, and Eſtaites of this preſent Parliament, vnderſtanding that for want of ſufficient and ſure priſones, jailles, and warde-houſes, ſindrie rebelles and tranſgreſſoures of the Lawes, alſweill criminall, as civill, eſcapis vn-puniſhed, and juſtice contemned: For remeid quhairof, our Soveraine Lorde and Eſtaites, hes ſtatute and ordained, that within the ſpace of three zeires, in all Burghes within this Realme, there be ſufficient and ſure jailles and warde-houſes bigged, vp-halden and mainteined be the Proveſt, Baillies, Councel, and Communities of the ſaidis Burrowes, vpon their awin commoun gude, or vther

vtherwaies vpon the charges of the Burgh: And that for ſure impriſoning, warding, keiping and deteining of all ſik perſones, tranſgreſſoures of his Hieneſſe Lawes, vpon their awin expenſes, alſweill criminall as civill, as ſall be preſented vnto them, be the Schireffe of the Schire: To ſtewards and Baillies of Regalities, within the quhilk the ſaids Burghes ar ſituate, and ſpeciallie quhair their judicatorie ſittis: And alſwa all vthers perſones preſented ather to warde, be vertew of their awin authoritie within Burghes, or vtherwaies, vpon letters of caption directed to them.

274 *Anent dimiſsion of beneſices conteining reſervation of the life-rent of the reſignant.*

FOR-SAMEIKLE As in the Parliament halden at *Edinburgh*, in the Moneth of Auguſt, the zeir of God, ane thouſand, fiue hundreth fourteſcore, foure zeires, Al Succeſſouries and Proviſiones to Abbacies, Commendataries, Priories, and Nunries within this Realme, maid be the titulars thereof for the time, in fauour of their Succeſſoures, nominate bee them, and giftes graunted to them there-upon, bee OVR SOVERAINE LORDE, conteining reſervationes of the dimitteris life-rente of the ſame, in-reſpecte of the manifeſte abuſe and corruption thereof, are retreated, reſcinded and declared to bee null in the ſelfe. QVHILK ACTE Of Parliamente, is declared beane vther Acte of Parliamente, maid in the moneth of Iulij, the zeir of God, an thouſand, fiue hundreth, foureſcore threttene zeirs, to be extended to ſik proviſiones allanerly, as ſuld happen to be purchaſed, after the making of the ſaid firſt Act: And nocht to ſik proviſions as was dewlie and lauchfullie paſt, before the making of the ſaid firſt acte, quhairupon diverſe perſones hes taken occaſion to purches & obteine giftes and proviſiones of the ſaidis Benefices, as Succeſſoures nominate thereto, bee their Predeceſſoures: And vpon their dimiſſion, with reſervation of their life-rentes: And hes antedated the ſignatoures thereof, as gif the ſamin had bene paſt, before the making of the ſaid firſt acte of Parliamente: And zit hes nocht paſt the ſamin, throw the greate ſeale, quhill lang after the making of the ſaid laſt act of Parliament: quhilk declaris plainelie, the manifeſt fraude and falſed of the ſaidis proviſiones. Quhilks proviſiones, ar nocht onlie maiſt wrangeouſlie and ſurreptitiouſlie purchaſed, as ſaid is: Bot alſwa ar maiſt prejudiciall to his Hienes in his rente, and commoditie of the Temporall landes thereof: Quhilk perteinis to OVR SOVERAINE LORDE, bee the Acte of Annexation, as ane parte of the patrimonie of his Crowne: And therefore OVR ſaid SOVERAINE LORDE, and Eſtaites foreſaidis, conſiddering the manifeſt fraud and falſed committed in the purchaſſing of the ſaidis pretended proviſiones: AND FOR OBVIATING Of the ſamin, retreatis, reſcindis, caſſis and annullis all ſik proviſiounes of Abbacies, Priories, and Nunries,

and

and vthers benefices maid, or to bee maid, be quhat-ſum-euer perſon or perſons, paſt vpon the dimiſſion of their Predeceſſoures, and conteining the reſervation of their life-rentes, as ſaid is: Quhilkis were nocht dewlie and lauchfullie paſt and exped, with all ſolemnities: And ſpeciallie quhilkis were nocht paſte and exped throuch his Hieneſſe greate ſeale, before the making of the ſaid firſt act of Parliament maid there-anent, quhilk was in the moneth of *Auguſt*, the zeir of God, ane thouſand, fiue hundreth, auchtie foure zeires: And before the act of annexation: Bee the quhilk, the Temporall Landes was annexed to his Majeſties crowne: And declaris the ſamin to haue bene from the beginning, and to be null in all time cumming, of nane availe, force, nor effect, with all that hes followed, or may follow thereupon.

275 *Of perſones dwelland within Burgh, ſubiect to the helpe of the puir, to watching and warding*

FOr-ſameikle as there is diverſe in-habitantes that dwellis and remainis within the free Burrowes, with their families, and ar of reaſonable ſubſtance: As alſwa hes rentes and livinges within the ſamin Burgh, zit refuſis to contribute for the interteinement of the puire, watching and warding within Burgh, with the reſt of the nichtboures: or to beare their parte of ſik vther dewties, as concernis his Majeſties ſervice, thereby living at libertie, neither knawand the Magiſtrates in kirk nor policie: To the great hinderance of his Majeſties ſervice, & the hail realm: For remeid quhairof, It is ſtatute and ordained, be our SOVERAINE LORD, and three Eſtaites of this preſent Parliament, That all ſik as hes their reſidence and dwelling within the ſaidis Burrowes, be their families: And may ſpend ane hundreth pounds of zeirly rent within the ſame, or ſtented be the diſcreit nichtboures, to be worth twa thouſand markes in free gudes: ſalbe ſubject to be burdened with the reſt of the inhabitantes, for the advancement of the glorie of God, his Majeſties ſervice, and weill of the Burgh quhair they dwell: Providing alwaies that this act be na-waies extended to ſik as ar exeemed for his Majeſties ſervice, as ane of ilk occupation for that cauſe: Neither to ony perſon that ar members of the College of juſtice, and admitted be the Lordes of the Seſſion.

276 *All Burgeſſes ſuld be taxed and ſtented be their Magiſtrates, according to the rentes within Burgh.*

OVR Soveraine Lord, and three eſtaites of this preſent Parliament, vnderſtanding that at ſik times, as taxationes and ſtentes, occurris within this lande: That the Proveſt and Baillies of Burrowes, and ſik as they appoynt Stewardes within the ſamin, without all gud ordour and diſcretion, ſtentis ſindrie of the Burgeſſes, inhabitants of the Burrowes, quha hes their ſpecial rents and livinges to Land-wart, out-with burgh, according to their abilitie, alſweill to Land-wart, as to Burgh, albeit reaſon

reaſon & equitie wauld craue, that they ſuld be only ſtented, according to their rents, & halding within Burgh: Becauſe their rents & living ly-and to Landwarte, ar ſtented, with the Barronnes, Gentle-men, and Free-halders within the Schires quhair they lye: It is therefore ſtatute and ordained, that in all time cumming, it ſall not be leaſum to the Proveſt and Baillies of Burghes, nor na Stenters within the ſame, to ſtente ony perſones therein, according to their livinges and rentes lyand out-with Burgh: Bot onelie according to their rentes and halding within Burgh, as they do with vther perſones, of their ranck & ſubſtance, that hes na rente nor living out-with Burgh, and na vther-waies.

277 *ANE TAXATION TO be granted to the King: The forme and maner of the vp-taking thereof.*

THE Eſtaites of Parliament, preſentlie conveenied, conſiddering how expediente it is that his Majeſtie, for ſindrie weichtie affaires, and of greate conſequence, tending to the advancement of his Hieneſſe honour and Eſtaite, and to the benefite of all the haill Lieges of this Realme: Sall direct diverſe and ſindrie honorable Embaſſadoures, to ſindrie forcine Princes: And fore-ſeeing the great and exceſſiue charges that man bee maid bee his Majeſtie, in furniſhing, and reiking out of the ſaide Embaſſadoures: And his ſaidis Eſtaites being willing to helpe, further, and ſupplie the ſamin, and relieue his Majeſtie of ane parte thereof:

HES Therefore freelie and voluntarilie offered and graunted to his Majeſtie ane taxation of twa hundreth thouſand markes, to bee vplifted and payed be the haill Lieges of this Realme, in forme as followis. That is to ſay: The ſumme of ane hundreth thouſand markes, bee the Spirituall eſtaite: The ſumme of threeſcore, ſex thouſand, ſex hundreth threeſcore ſex marks, aucht ſhillinges, ten pennies, be the Barronnes, & Free-halders: And the ſūme of threttie, three thouſand, three hundreth threttie three markes, foure ſhillinges, ſex pennies, be the Burrowes of

The diviſion of the taxation.

this Realme: And that to be payed betuixt and the first day of *April*, nixt to cum: And for in-bringing of the Spirituall persones part of the said taxation:

The Clergie.

IT IS Ordained, that letters be direct, chargeing all and sindrie Bishoppes, Abbottes, Priors, and vtheris beneficed persones, conteined in the taxt roll, their Charmerlanes, Factoures, and intromettours with their livinges, to make payment of that summe, that they and everie ane of them ar taxt, to *Marke*, Lord of *New-bottle*, Maister of requestes, to his Hienesse Collectoure generall, appoynted for receiving of the saide haill taxation: or his deputes and officiars in his name, hauand his power to receiue the samin: And that betuixt and the fifteenth day of *March* nixt to cum, vnder the paine of rebellion, and putting of them to the Horne: And gif they failzie, the said day being by-past, to denunce *&c.* And that the Prelates and beneficed men for their relieue, haue letters to charge their vassalles, sub-vassalles, Fewars, tackes-men, Ladies of Terce, conjunct-feers, liue-rentars, and pensioners, to make payment of their partes of the said taxation *pro rata*, within xx. daies, nixt after they be charged thereto, vnder the pain of rebellion *&c.* And gif they failzie, *&c.* To denunce *&c.* and gif neede beis, to poynd and distreinzie therefore, as they thinke maist meete and expedient, alwaies declaris that the production of sufficient horninges, against the said fewars and vassalles, salbeane reliefe to the saidis Prelates: And sall exoner them *pro tanto*, fra the payment of the said taxation.

Fewars, tackes-men, Pensioners, life-renters, & vassalles sald relief their Overlords & Maisters

AND Furder, that the saidis Prelates, and vthers beneficed persones, may haue their reliefe of their saidis vassalles, fewars, tackes-men, and pensioners, to their greater ease, and lesse trouble, to their saids vassalles, and vthers foresaidis, And to the effect that everie man proportionally, may pay his part of the said taxation, according to the quantitie and availe of the free rente that he hes of his landes and teind schewes, perteining to him, alsweill the Prelate himselfe, as the fewar or tackes-man: It is thocht expedient, statute and ordained, that the saidis Prelates, sall everie ane of them severallie conveene his haill fewars, vassalles, and tackes-men, at sik convenient place as hee thinkis meetest: And cause summound them personallie, or at their dwelling places, for that effect: And being conveened, the saidis Prelates and beneficed persones, sall schaw to their saids vassalles, the quantitie of the taxation imposed vpon them, and they with ane consent, sall distribute the samin to be payed be everie man: Alsweill be the Prelate, as be the vassall, fewar, tackes-man, and pensioner, according to the great or small quantitie of his free rents, that he hes either of his landes, teindes, or pension, with certification to ony of the saidis persones, fewars, vassalles, pensioners, and vthers foresaidis, that compeiris not at the day appoynted, to the effect foresaid, that sik as sall compeir with the said Prelate and beneficed person, sall proceede in the equall distribution of the said taxt, alsweill amang them

them that ar preſent, as the abſentis quhilk ſalbe als lauchfull in all reſpects, as gif the haill number were conveened. AND als it is thocht expedient, ſtatute and ordained, that all erectiones of onie Prelacies in Temporal Lordſhippes, ſall in the payment of this preſent taxation, pay to the Collectoures of the ſaide taxation, ſa-meikle of this preſent taxation, *pro rata*, as gif they were na-waie erected, and as they were ſubject to do, before the erection of the ſamin, with ſpeciall proviſion alwaies, that this ſalbe na preparatiue of the like hereafter: Bot that in all time cumming, their ſaidis erectiones, ſall pay the taxationes, to be here after impoſed, as vther Temporal livinges within this Realme: And this na waies to prejudge or derogate in onie waies to their ſaidis erectiones. AND Sick-like, it is ſtatute and ordained, that all diſſolved benefices within this Realm, ſalbe ſubject in payment of ſameikle of the ſaid taxation, *pro rata*, as they wauld haue bene ſubject to giue, ſwa the ſamin had not bene diſſolved: And therefore, that letters be direct chargeing the preſent poſſeſſour of the ſaids diſſolved benefices, everie ane of them for their awin partes, to pay proportionallie their parte of the ſaid taxation, to the quantitie that the ſamin benefice wauld haue bene taxt to, gif the ſamin benefice had not bene diſſolved, as ſaid is, within twentie daies nixt after they be charged thereto, vnder the paine of rebellion &c. And gif they failzie &c. To denunce &c. AND Siklike, Becauſe that at this preſent, there ar ſindrie Prelacies vaikand, vndiſponed to onie perſon or perſones quhat-ſum-euer: Therefore it is ſtatute and ordained, that the ſaid Collectour Generall, ſall vſe the like forme be him ſelfe, or ſome vther ſufficient qualified perſon in his name, with the fewars, vaſſalles, and tackeſ-men of the ſaidis vaikand benefices, that is preſcrived and ſet downe of before, to be done be the Prelates, and vthers beneficed men, in the diſtributing of the ſaid taxation, as ſaidis: And the ſaidis Eſtaites authorizis the ſaide Collectour generall, of this preſent taxation, in the verie place of ane provided Prelate to the ſaids vaikand benefices, for this effect allanerly. AND for the Barrones & Free-halders part of the ſaid taxation, that letters be direct, chargeing all & ſindrie Schireffs, Stewards, Baillies, their deputes and clerks, that they, and ilk ane of them, within the bounds of their offices, raiſe & vp-lift the ſumme of 40 ſhillings, of everie pound land of auld extent, lyand within the bounds of their juriſdiction & in-bring & deliver the ſame to the ſaid Collectour general, betuixt & the xv. day of *March*, quhilk is terme of paymēt of the ſaid taxation, vnder the paine of rebellion &c. And for their reliefe, that letters be direct, chargeing al & ſindry Earles, Lords, Barons, & Free-halders, to make payment & deliverance to the ſaidis Schireffes, Stewards, Baillies, & their deputes and clerks, ilk ane of them for their awin partes, for the ſumme particularlie abone written, of everie pound land of auld extent, perteining to them. As for the ſaid taxation within xx. daies nixt after they be charged, vnder the paine of rebellion, &c. & gif they failzie &c. to denunce &c. & to eſcheit. Or elſe, that the ſaidis Schireffes, Stewardes, Baillies and their deputes

prelacies erected to Lordſhips.

Beneficces diſſolved.

Beneficesvaikand.

The barrones & free-halders.

poynd and distreinzie therefore: As they sall thinke maist meete and expedient: And that the saidis Earles, Lordes, Barronnes, and Free-halders, haue sik like letters for their relieue, against their vassalles, subvassalles, Ladies of Terce, conjunct-feares, and lite-renters.

Barronnies dissolved or dismembred.

AND Because there ar diverse and sindrie Barronnies, within this realme, dismembred, and the Barronnes of the saidis Barronnies in time by-gane, hes had na relieue *pro tanto*, of sa-meikle of the said barronnie, as wes dismembred against all reason, seeing that the Schireffe, Steward, or Baillie, or their deputes, without onie regard, charged the present Barronne, of the saide barronnie, for the haill taxation of the samin, as gif na part thereof were dismembred: Therefore it is statute and ordained, that all sik partes of onie barronnie, as ar dismembred therefra, salbe retoured be the Schireffe of the Schire, quhair the samin lyis, to the availe and quantitie proportionall, of the haill barronnie: And being retoured, the said barronne sall haue letters of relieue, against the heretoures of the said dismembred part of the Barronnie, for relieving of him, of sa-meikle of the said taxation, as the samin landes salbe retoured vnto, be the Schireffe, within twentie daies nixt after the charge, vnder the paine of rebellion &c. And gif they failzie &c. To denunce &c.

The Kingis propertie.

AND Furder, It is statute and ordained, that all the stewardes and Baillies of onie part of his Hienes propertie, sall with all convenient expedition, cause retour the haill landes of the samin, everie ane within his awin boundes and jurisdiction, and that to the samin availe, quantitie and proportion, as onie vther landes liand nixt adjacent to the, same, halden of his Majestie, set or retoured to: having nevertheless ane speciall regard to the free rent, that the fewars and rentellars hes of the same lands, beside their few-fermes and dewties payed be them, to our Soveraine Lord: Quhilks landes being retoured, as said is: It is ordained that letters be direct be the said collector of this present taxation, charging the saidis Stewardes and Baillies, to raise and vp-lift the summe of fourtie shillinges of everie pound lande, that his said hienesse propertie salbe retoured to, everie ane within his awin jurisdiction, and in-bring and deliver the same to the said collectour, betuixt and the said fifteenth day of *March* nixt-to-com, vnder the paine of rebellion &c. And gif they failzie, &c. to denunce &c. And for their relieue, that letters be direct, chargeing all & sindrie fewars, rentellars, tennents, & tacke-men of his hienes propertie, to mak payment & deliverance to the saids fewars, baillies, their deputes and clerkes, ilk ane of them for their awin partes, the summe particularlie abone written, for everie pound land, that their saidis landes salbe stented or retoured to, within xx. daies, nixt after the charge, vnder the paine of rebellion &c. And gif they failzie, &c. To denunce &c. And gif need beis, that the saids stewards & baillies poynd & distreinzie therefore, as they sall thinke maist meete & expedient. And because his Majesties propertie herof, hes nawaies bene in vse & cõsuetude of paimẽt of ony part of ony taxations granted heretofore, nether

did

did they relieue the reſte of the Lieges, of ony parte of the ſamin. His Hieneſſe and Eſtaites foreſaidis, thinkis it maiſt meete and expedient, that the ſaid taxation to be vp-lifted fra the ſaidis fewers, tennentes and tackeſ-men, of his Hieneſſe propertie, ſalbe na waies accompted nor allowed in part of the ſaid ſumme of twa hundreth thouſand markes; bot the ſamin ſumme to be vp-lifted, according to the diviſion abone written: And the ſummes to be vp-lifted of the landes of his Hieneſſe propertie, to be maid compt of be the ſaid Collectour, over and beſide the ſumme of twa hundreth thouſand markes, granted, as ſaid is: Providing alwaies that the ſamin be na-waies employed nor beſtowed to ony vſe quhatſumener, except to the ſamin effect that the vther great ſumme abone written.

The Burrowes part of the taxation.

AND For in-bringing of the Burrowes part of the ſaid taxation, that letters be direct, chargeing the Proveſt and Baillies of ilk Burgh, to mak payment of the taxte and ſtent thereof, to the ſaidis Collectour generall, at the time abone ſpecified, vnder the paine of rebellion *&c.* And gif they failzie *&c.* To denunce *&c.* And for their reliefe: That letters be direct, chargeing all and ſindrie inhabitantes of ilk Burgh, to conveene and elect certaine perſones, to ſtent their nichtboures: And the ſaid election being maid, to charge the perſones elect, to accept the charge vpon them, in ſetting of the ſaide ſtent vpon the inhabitantes of ilk Burgh: And to conveene and ſet the ſamin, and make ane ſtent roll there-upon, as effeiris, within twentie four houres, nixte after they bee charged thereto, vnder the paine of rebellion *&c.* And gif they failzie, to denunce *&c.* And eſcheit *&c.* And ſik-like, the ſaide ſtent-roll being maid and ſet, as ſaid is, to charge the Burgeſſes, inhabitantes and nichtboures of ilk Burgh, to make payment of their partes of the ſaid ſtent, to the ſaidis Proveſt and Baillies, conforme to the taxt-roll, to be maid and given out there-upon, within three daies, nixt after the charge, vnder the paine of rebellion, *&c.* And gif neede beis, to denunce *&c.* And eſcheit, *&c.* And gif neede beis, that the ſaids Proveſt and Baillies poynd and diſtreinzie therefore, as they thinke maiſt meete and expedient.

IT IS ALWAIES Provided, that na perſon quhat-ſum-ever be ſtented or taxt within Burgh, except according to the availe and quantitie of his rente, living, gudes, and geare that he hes within Burgh, nawaies reſpect and his landes and poſſeſſiones, quhilkis he hes to Landwart, for the quhilkis hee will be obliſhed to pay taxation to vthers officiers.

Fermorers removeable ſuld be free.

ATTOVR, THE Saids Eſtaites conſiddering the manifald abuſe that hes bene vſed in all times by-gane, be ſindrie of the Lieges, againſt al gud conſcience, in cauſing their puir Fermorers and labourers of their ground, being removeable, quha was ſubject in paymēt of verie deare fermes, to relieue them of the haill burden of the ſaide taxation, quhilk hes bene the occaſion of the im-poveriſhing of ane great number of the ſaidis Fermoreres, and bringing of them to vtter wrack and

ruin. Quhair as of reaſon, the ſaidis tennentes ſuld be al togidder free from the payment of onie taxation: And the ſamin ſuld be payed be ſik as hes free rent, landes, and gudes of their awin: For remeid quhairof, It is ſtatute and ordained, that na perſon quhatſumever, exact or compell his tennentes and Fermorers removeable, quha payis him ferme for the landes occupyed be them, to pay ony parte of this preſent taxation, or to ſute reliefe for the ſamin, at their handes. And gif the ſamin beis found done be ony perſones, that they ſalbe called and conveened before his Hieneſſe juſtice and his deputes, as violent and maiſterfull oppreſſoures of his Hieneſſe ſubjectes, and puniſhed therefore, according to juſtice.

AND TO THE EFFECT That bee the negligence of Collectoures', appoynted for in-gaddering of the ſaide taxation, in letting time over-ſlip, the ſilver be nocht in reddieneſſe in dew time, to the effectuating of the purpoſe, quhairfore the ſame was appoynted: therefore it is ordained, that the ſaidis letters & charges to be directed againſt the ſaidis Prelates, beneficed perſones, Schireffes, Stewardes, Baillies, and Proveſtes, and Baillies of Burrowes, to bee in reddineſſe againſte the firſt day of *Ianuar* nixt-to-cum: At the quhilk time, the ſaidis Collectoures ſall vſe all poſſible diligence, for the dewe execution of the ſamin.

Letters of ſuſpenſion. ATTOVR, It is concluded, determined, and reſolved, that na ſuſpenſion of ony letters or charges to be direct for payment of the ſaide taxation, ſalbe granted either be the Lordes of Councell and Seſſion, or be the Lordes of ſecreit Councell; bot diſchargis them *ſimpliciter* of ony granting of the ſamin: Alwaies as the equitie of the cauſe requiris, his Majeſtie and Eſtaites hes given and granted ſpecial power and commiſſion to *Alexander*, Lord *Fyvie*, Preſident of the College of juſtice: *Walter*, Ptior of *Blantyre* Theſaurar: Maiſter *John Lindſay*, of *Balcar-houſe*, Secretar: Maiſter *Iames Elphinſtoun*, Perſon of *Eggliſhame*: Maiſter *John Skene*, Clerke of Regiſter: And Maiſter *Thomas Hammiltoun*, of *Drumcarny*, his Hienes Advocat. Giving them, at the leaſt onie foure of them being altogidder conveened allanerlie, power and commiſſion to grant the ſaidis ſuſpenſiones of the charges, direct for the ſaide taxaon, and to decide the ſaidis ſuſpenſiones, according to equitie and juſtice. Diſchargeing all vthers the Lordes of ſecreit Councel and Seſſion of ony melling therewith, and of their offices in that part: And als, our ſaid SOVERAINE LORDE, and his Eſtaites, hes given power and Commiſſion to the ſaidis perſones abone mentioned, to decide the haill ſuſpenſiones reſtand vndecided of onie taxationes, graunted heretofore, and ordainis them to miniſtrate juſtice there-intil, according to reaſon.

Letters of horning or deforcemẽt AND Becauſe his Majeſtie hes bene defrauded of ane great parte of his taxation granted heretofore, be reaſon that the Schireffes of ilk

Schire-

Schire, quha ſulde be in-gadderers of the ſaide taxation, and ar men of that power and authoritie, within the ſaids Schireffedomes, that there ar nane within the ſamin, that either dare or will in ony waies reſiſt the ſaidis Schireffes, in ponding for this preſente taxation: zit never-the-leſſe, ſindrie of the ſaidis Schireffes heretofore, having had na regarde to the dewtifull obedience they aucht to his Majeſtie, and to the faithfull diſchargeing of their offices, hes thocht in time by gane, ane ſufficient exoneration of them, forſameikle of the ſaid taxation, as they produced letters of horning, execute againſt ony perſones for the ſamin: quhair be the power of the ſamin letters, he micht haue lauchfully poinded the reddieſt guds and geare of the ſaidis rebelles: or elſe be production of alleaged deforcementes, done wilfullie to defraude his Majeſtie, quhen as in their awin particular, they wald na-waies ſuffer the like, being men of that authoritie and power, as ſaid is: That they ar able with ſtrang hand, to poynd and diſtreinzie the ſaidis rebelles gudes, gif they pleaſed. For remeid quhairof in time cumming: It is ſtatute and ordained, that the Collectours of the ſaid taxation, neither the Auditoures, to be appoynted hereafter, for the hearing of the ſaidis Collectoures compts, in ony waies receiue ony horning, or deforcement, for ane lauchfull exoneration to the ſaidis Schireffes, for the ſaid taxation, *pro tanto*: Bot allanerly the payment of the ſummes, for the quhilks they ar charged for: Alwaies the ſaidis Eſtaites remittis to his Majeſties conſideration, the condition of ſome Schireffes, quha are not of that power and authoritie, within their Schireffedomes, that ar able with ſtrang hande, to poynd ſik rebelles gudes and geare, as ſalbe denunced to the horne, for this preſent taxation, of quhom his Majeſtie hes promiſed, as he findis convenient to receiue horninges and deforcementes for their exoneration.

produced be ſchireffs ſuld nocht be receiued

AND BECAVSE Heretofore, there hes bene ane great abuſe vſed bee the Schireffes and their Officiares, in vp-lifting and raiſing of vther taxations heretofore, be forceing the ſubjects to pay in ane maner ane new taxation to them, for in-gaddering the ſamin, alleageing it to perteine to them as Schireffes: Albeit they be their offices, ar ſubject in in-gaddering of the ſamin, and na-waies the ſaidis ſubjectes debte-bound in paymente of ony dewtie to them: Therefore it is ſtatute and ordained, that na Schireffe nor officiar quhatſumever, directlie nor indirectly, vpon ony kinde of pretext, charge, vp-liftor raiſe fra ony of his Hieneſſe ſubjectes, onie dewtie quhat-ſum-euer, except the ſumme of fourtie ſhillinges, for everie pound lande conteined in the letter, vnder the paine of deprivation of the ſaide Schireffe of his Office, in-caſe it be foundin that the ſame was in onie maner of way, done of his commande or allowance: And gif the faulte be committed be the officiar himſelf, not onely to be the deprivatiõ of him *ſimpliciter* fra the office, Bot alſwa to be an crime of falſed, and he to bee accuſed before the juſtice

The Schireffes and Officiares ſuld vp-liſt the taxation without ony dewtie.

juſtice and his deputs, and puniſhed to the death therefore with all rigour.

Perſones Privileged

AND Forder, his Majeſtie and Eſtaites foreſaidis, be thir preſentis, annullis and diſchargis all priviledges and immunities quhatſumeuer, quhairby ony perſones may thinke them ſelues free of payment of this preſent taxation (except and allanerly the priviledges of the Lordes and members of the College of Iuſtice) Quhairunto his Hieneſſe and Eſtaites will na waies derogate in ony thing.

Precepts direct bee the King.

FVRTHER HIS Majeſtie and Eſtaites being acquainted with the great abuſe that hes bene in times by gane, be granting of precepts to ſindrie inoportune perſones, for anſwering them of ane pairte of ſindrie taxationes graunted heretofore, quhairthrow his Majeſtie hes bene verie far circumveened, the ſame ſumms of money impoſed vpon the ſubjectes, being vtherwaies beſtowed, nor to that end, quhairfore they were deſtinat: For remeid quhairof, his Majeſtie and eſtaites foreſaidis, ordainis and commandis the ſaid Collectour, that he on na-waies anſwere, obey, and make payment of ony parte of the ſaid taxation, to ony perſon or perſones, vpon pretext of onie precept or preceptes to be direct or ſubſcrived be his Hieneſſe, except the ſaidis preceptes bee ſubſcrived bee the Commiſſioners vnder-written, quhom his Majeſtie and Eſtaites hes appoynted to beover-ſeers, that this preſente taxation be nawaies employed, bot to the furniſhing of the ſaids Embaſſadours:

Commiſſioners

They ar to ſay, *Peter*, Biſhop of *Dunkeld*, *Dauid*, Biſhoppe of *Aberdene*: *Iohn*, Commendatar of *Haly-rude-houſe*, *Edward*, Commendatar of *Kinloſſe*, *William*, Earle of *Angus*: *George*, Earle *Marſhall*: *Iohn*, Earle *of Marre*: *Alexander*, Lorde *Levingſtoun*: Maiſter *David Carnegy* of *Culluthy*: Sir *George Hume* of *Wedder-burne* Knight: *Iohn Towres* of *Inner-Leith*, and *Alexander Stratoun* of *Laureſtoun*: *Henry Niſbet*, Proveſt of *Edinburgh*: Sir *William Seatoun*, Proveſt of *Hadingtoun*: *Nicoll Cornewell* of *Bonehard*, Proveſt of *Linlithgow*, and *Walter Cowane*, Commiſſioner to this preſent Parliament, for the Burgh of *Striviling*: Or ony aucht of them, there being alwaies twa of the Spirituall eſtaite: Twa Noble men: Twa Barronnes, and twa Commiſſioners of Burrowes: Quhilkis perſones ſall allanerly direct the ſaidis precepts to the ſaid Collectour, for anſwering of ony part of the ſaid taxation, and that allanerly to the vſe abone written, for directing of the ſaidis Embaſſadoures. And gif ony precepts vpon ony vther effect, or to ony vther vſe, bee anſwered, then to the vſe abone written, in that caſe, alſweill the ſaid Collectour, as ſa-momonie of the Commiſſioners abone written, as ſall ſubſcriue the ſaidis preceptes, ſalbe anſwerable to his Hieneſſe and Eſtaites, for the ſumme deburſed. And the ſame preceptes ſalbe na diſcharge and allowance to the ſaide Collectoure in his comptes. And gif at ony time appoynted for in-gathering of the ſaid taxation, occaſiones may interveene, that it ſall not be neceſſar to direct away anie ſik Embaſſadoures. It is alwaies

provi-

provided, that the ſaid Collectour ſal reteine the ſaid ſumme in his hands ay & quhill that the ſaidis Embaſſadoures be direct: Or that be his Hieneſſe Parliamente and Eſtaites to bee conveened hereafter: The ſaide ſumme ſall be imployed, with all their conſentes, to ſum vther gude warke, tending to his Hieneſſe honoure, advancement and weill of this Realme; Vpon the quhilk declaration, *Henry Nyſbet*, Proveſt of the burgh of *Edinburgh*, in name of the haill Burrowes, asked inſtruments.

The Collectour ſall giue furth na mair nor hee receivis

LIKE-WISE, It is provided that the ſaide Collectour ſalbe na-waies vrged nor ſubject, to receiue, nor anſwere ony aſſignation or precept, to the vſe abone written, exceeding his recept or intromiſſion, albeit the ſamin be orderly ſubſcrived, as ſaide is, bot that it ſall be ane ſufficient excuſe to him in refuſing the acceptation thereof, that he hes received na mair, nor hee hes deburſed alreadie, vpon anteriour precepts.

Regalities.

AND FVRDER, His Majeſtie and Eſtaites, conſiddering that diverſe and ſindrie perſones, dwelland within Regalities, hes without onie regard of his Majeſties Lawes, paſt wilfullie to his Hieneſſe horne, and remained thereat as rebelles, thinking themſelues in ſuretie great anough, be reaſon that the Lordes of the ſaidis Regalities, having richt to their ſaidis eſcheittes, commounlie diſponis the ſamin in favours of the ſaidis rebelles: Quhair-throw his Majeſtie is defrauded of ſa-meikle of the ſaid taxation, as is to be payed be them: For remeid quhairof, his Majeſtie and Eſtaites, be thir preſentes, determinatis and concludis, that in al time hereafter, quhen onie perſon, within onie Regalitie with in this realme, be denunced for none payment of the ſaid taxation, that the Lordes of the ſaide Regalitie, ſall either cauſe the ſaide ſumme, quhairfore the ſaide rebell is denunced, be payed to his Majeſties Collectour, of this preſent taxation, betuixt and the ſaid fifteenth daye of *March*, nixt-to-cum: Or then the ſaid Lord of Regalitie, ſall renunce and giue over onie richt and title, that he may haue or claime to the ſaid rebelles eſcheit: And that in favour of his Hieneſſe Theſaurer, quhom his Majeſtie and Eſtaites foreſaidis, ordainis to intromet therewith, and to make compt of the ſamin, before the Lordes Auditours of his Hieneſſe Checker: That be this preparatiue hereafter, his Hieneſſe be not defrauded of onie part of the ſaid taxation, be reaſon of the ſaid rebelles voluntar paſſing to the horne, as ſaid is.

Officiars fees.

AND LAST, Becauſe the officiares chargis for the ſaid taxation vp-lifteres, and receivers of the ſamin, hes bene in vſe of allowing to themſelues of great and extraordinar fees for their ſervice, quhilk was ane great impairing of the former taxation, there being ane great parte thereof beſtowed vpon the charges, in in-getting of the ſamin, albeit it might haue bene in-gaddered vpon farre leſſe expenſes, gif ſwa the Collectoures of before had vſed the greater fore-ſight, in not ſuffering the

ſaids

saids officiares, to continue in their alleged wounted allowance: Therefore his Majestie and Estaites, ordainis the saide Collectour Generall, of the said taxation, to compone, transact, and agree with the saidis officiares, executours of the saidis charges, vpon als reasonable condition as is possible, having na respect al to-gidder, to anie auld consuetudes, that the saidis officiares may craue be onie allowance granted of before.

Collected, visied and extracted, foorth of the Bukes and Register of the Actes of Parliament, at his Majesties command: Be me Maister IOHN SKENE, Clerk of his Hienesse Councel, Register and Rolles, vnder my signe and subscription manuall.

Jaames Skene
Ls Regrd

FINIS.

ANE TABLE OF THE PARTICVLAR ACTES AND vthers, maid in the Parliament, halden at Edinburgh, the nineteenth day of December, the zeir of God, ane thousand, fiue hundreth, ninetie seuen zeirs, nocht imprented.

Actes in fauours

OF Lodovick, *Duke of* Lennox.
Sir Robert Mal-vill, *Knicht.*
The Bishoppe of Brechin.
The Laird of Phillorth, *anent the College of* Fraser-burgh.
Maister Andrew Knox, *Minister of* Paislay.
The Burgh of Aberdene.
The Burgh of Perth.
The Burgh of Hadingtoun.
Of the Kingis Lieges, quha accompanied his Maiestie and his Lieu-tennente, in the North partes of this Realme.
Of William, *Earle of* Augus: George, *Earle of* Huntlie: *And* Frances, *Earle of* Erroll:

Ratificationes

Of the Lordship of Dunfermeline *to the Queenes Maiestie.*
To Andrew, *Lord* Dingwel.
To the Bishop of Aberdene.
To the Burgh of Narne.
To the Burgh of Iedburgh.
Of the Consistorie of Aberdene.
Of the new fundation of the College of the auld Aberdene.
Of Maister Edward Bruyse, *Abbot of* Kinlosse
To Maister William Mal-vill, *Lord of* Tungland.
To Sir Alexander Hume, *of* Snuick *Knight.*
To Eustathius Roch, *anent the making of Salt.*
Of the act of Copper cuinzie.

For Locall stipendes of Ministers.
For ane Grammer to be vniversallie teached.

For ordour and prioritie of place in Parliament.
For retouring of landes nocht retoured,
Anent the forme of proces against Witches.
Ane act anent certaine Kirkes of North-Berwick.
Ane act anent Christs-Kirk *of* Vdny.
Anent the Kirk of Dummany.
Act for vp-halding of the Brig of Don, *and the calsey of the Month of* Cowy.
Act for reparation of the Brig of Mussil burgh.
Act for bigging of ane calsey vpon Edmondstounedge.
Exceptiones in favoures of Patrick, *Lord of* Lundoris.
Maister Peter Young *of* Seaton, *Maister.* Almousser.
Sir Thomas Erskin, *of* Gogar, *Knight, and his Brether.*
Michael Elphinstoun, *and* Andrew Mal-vill, *Maisters of houshald.*
Sir Iames Mal-vill *of* Hal-hil *Knight.*
Sir Patrick Murray.
Patrick Hume *zounger of* Polwart.
William Elphinstoun.
Maister George Young, *Arche-deane of* Saint-Andrewes.
Maister Andrew Black-hall, *Minister of* Mussil-burgh.
And Bernard Lindesay.

Protestation conteinand the Kingis declaration in favoures of Alexander, *Lord of* Spyny.

FINIS.

ANE TABLE OF THE

PRINCIPALL MATERS

conteined in this buik, collected and noted

be the name of the King, Maker of the Law;
Number of the Parliament, and of the
Chapter.

A

ANE *A. B. C.* of all Merchandice brocht within this realme, ſuld be maid be the Lordes of the Checker, for the better payment of the Kingis Cuſtomes. Iames the Sext: Parliament, fifteenth, chapter, twa hundreth fiftie ane.

Abbat of Vn-reaſon is diſcharged, and the chuſers and acceptors of ſik offices, ſuld be puniſhed. Mar. P. 6. c. 61.

Aberdene, Ane mercat and publick Faire gran-ted to it vpon Monondaye, before Whit-ſunday. Iam. 6. parliam. 13. cap. 186. Ane confirmation and new gift of their annuells. Iam. 6. pa. 13. c. 188.

Accuſer of ane vther of treaſon, qnha is acquite thereof committis treaſon. Iam. 6. Parliam. 11. cap. 49. The ſuit of the accuſer in criminall cauſes, ſuld not be halden *pro confeſſo:* Nor the defender ſuld not be prejudged, vntill he be lauchfullie tryed. Iam. 6. par. 11. c. 90. *vide* perſewer.

Act of Adjournall, thereon letters of horning or poyn ding ſuld be direct againſt him, quha perſewis innocent men for ſik ſummes and vnlawes, as he ſuld pay to the King and the partie. Iam. 6. parliam. 6. c. 78. Caution ſuld be found be him, quha takis him to his remiſſion, for ſpuilzie, rieſe, of thieft, before the Iuſtice, & vpon that Act of Adjournal, the partie havand entereſſe, hes action againſt the cautioner for aſſithment to be maid to him. Iam. 2. Par. 14. c. 75. Iam. 5. p. 3. c. 7.

Actions may be decided be the King and his Councel, againſt Ordinar judges, partiall or culpable: And it is leaſum to the King, to take in the deciſion of onie cauſe before him, at his pleaſure. Iam. thrid Parlia. 5. cap. 26. All *Actiones* ſuld be perſewed before the judge Ordinar: *vide* judge Ordinar. The time within the quhilk they ſuld be ended, that is fourtie daies, the forme and maner of the deducing of proceſſe and Actiones. Iam. 1. Par. 6. cap. 86. *Actiones* poſſeſſour of moleſtation, or cognition of propertie and commountie ſuld be decided be Schireffes, and vther inferiour judges, at command of the Lordes of Seſſion. Iam. 6. Par. 11. c. 42. Na Action civill or criminall is competent to Clannes or vther broken men, their wiues, bairnes, aires, executours, aſſignays, for onie deede committed againſt them, being rebelles. Iam. 6. p. 14. c. 227.

Actes of Parliament ſuld be regiſtred, and the extract thereof ſuld be given to the Schireffes and officiares within burgh, to be publiſhed to the lieges of the Realme. Iam. 1. Parliam. 3. c. 67, Iam. 2, p. 14. c. 90. They ſuld be prented. Iam. 5. p. 7. c. 126. Iam. 6. p. 1. c. 32. All Actes and Lawes maid in favours of the Papiſticall Kirk, ar abrogate. Iam. 6. Par. 12. c. 114. *vide Pape.* Speciall Actes of Parliament maid in favours of particular perſones, ſuld not prejudge directlie nor indirectlie, the proviſion granted to onie Miniſter for his living. Iam. 6. Par. 13. c. 165. *Vide* Lawes. The breakers of the Acts of Parliament ſuld be puniſhed. Iam. 1. Par. 2. c. 29.

Attorney being ane Gentle-man, ſuld bee ſend to the Schireffe Courtes be Free halders, quha may not compeir perſonnallie, with the ſeale of their armes, to paſſe vpon ſerving of inqueſtes, and retoures. Iames. 1. Parliament 9. c. 130 Actornayes in the juſtice aire, ſuld be honeſt and qualified perſones. Iam. 1. p. 3. c. 53.

Admirall, Hee ſulde vſe na juriſdiction, nor take vp na eſcheit or caſualitie, bot conforme to the vſe obſerved before the deceaſe of King *Iames* the Fifth: Notwithſtanding, onie infeftment granted in the contrair. Iam. 6. Par. 12. c. 157.

Adulterer perſevering in Adulterie, ſulde bee denunced rebell, and tinis all his moveable gudes Mar. Par. 5. c. 20.

Notour and manifeſt Adulterers, ſuld be puniſhed to the death. Mar. p. 9. c. 74. Iam. 6. p. 7. c. 105. Quha maries twa wiues, or husbandes, nocht being divorced fra the firſt, is puniſhed be confiſcation of all their gudes moveable, perjurie and infamie. Mar. p. 5. c. 19. Ane woman divorced for adulterie, may not annalie her landes, in prejudice of her aires. Iam. 6 p. 12. c. 117.

Advocat for the puir ſuld bee given bee the judge, and the tiner of the pley payis his expenſes. Iames. 1. par. 2. c. 45. *Advocates* ſuld ſweare the aith *de calumnia*. Iam, 1, p, 9, ca, 125. Na Procuratour, nor Advocate, may compeir for ane excommunicate perſon. Iam, 6, par, 3, cap, 45, *Advocates* ſuld be cled in greene colour, *vide* Parliament.

Ane Advocate may nocht compeir, giue counſell, or aſſiſt in Actiones of treaſon Iam. 6. parlia. 8. cap. 135, *Advocates* may compeir and defend for onie perſone accuſed in Parliament. Iam. 6. p. 11. c. 38. Or at particular diettes in Juſtice courts. Iam, 6, Parlia, 11 cap. 90. Procuratoures within Burgh, alleageand onie exception before the judge, quhilk was proponed of before, for delaye of his partie, payis twentie ſhillinges to the puir, Iames Sext: Par. 6, c, 91,

Advocation Of cauſes fra inferiour Iudges Ordinar, to the Lordes of Seſſion, ſulde not bee admitted bot for deadlie feede, partialitie of the judge, or the priviledge of the members of Seſſion, Marie, Parliament ſeventh Capite, threttie nine.

Aires of them quha was with KING IAMES the Fourth, at the field of Striviling, quhen King IAMES the Thrid was ſlaine, ſuld not be hurte be alienationes, maid be their Predeceſſoures. Iames 4. Par. 1. cap. 6. *Aires* may revoke all diſpoſitiones maid be them in their Minoritie, to their hurte and prejudice. Iames 4. Parliament 4. cap. 51. They may bee perſewed for debt, of their Predeceſſoures to quhome they ſucceede, after zeir and daye, following the deceaſe of their Predeceſſoures, Iames the Fourth: Parliament 6, cap. 76.

They may be forefalted for treaſon, committed be their Predeceſſoures, Iames 5. Parliament 6, cap, 69.

They being of perfite age, and charged be the creditoures, to enter within fourtie daies, as aire to their Predeceſſoures, and nocht entering, may bee perſewed for their Predeceſſoures debt, and their landes compryſed therefore. Iam, 5, parlia. 7. cap. 106. The aires of Cautioners founde bee Notars, ar obliſhed, Iam, 6. parlia, 11, cap, 45. The aires of Cautioners, or pledges for broken men, ar likewiſe obliſhed, albeit na mention be maid of aires or ſucceſſoures. Iames, 6, parlia, 11, cap, 98.

The aire ſulde bee ſuſteined bee the warrandtar and conjunct fear. Iames 4 parliament. 3. cap. 25.

Aires of them quha ar ſlaine or deceaſis in the Kings armie or hoiſt, *vide* Hoiſt:

Aire maille is of perfite age, being of ane and twentie zeires: And aires femall of fourteene zeires. Mat. p, 3, c, 5,

Aires of the proprietaries of Kirk landes, or annuel reiſtes, annexed to the Crowne, within Burrowes of Regalitie and Barronnie, ſall enter to their Predeceſſoures, bee brieues of the Kingis Chancellarie, Iam, 6, par, 11, cap, 29, All diſpoſitiones maid in the Kingis minoritie, of Landdcum in his handes, as laſt aire, ar revoked. Iam. 6. parlia. 1. c, 31,

Air-ſchip of moveable gudes of Barronnies and Freehaiders, ſalbe conforme to the Burrow lawes. Iam. 3. p. 7. c. 53.

Alienation of the Kingis Landes and poſſeſſiones may not be maid in the Kingis minoritie, without conſent of the three Eſtaites. Iames. 2. parliament. 1, c, 2. Iam. 6. par. 15. c. 233. His annexed propertie may not be ſet bot in few-ferme Iam. 6, par, 15, c, 234. And nawaies may be diſponed be his Regent or Governour. Iam. 1, par. 11. ca, 133. *Alienation* of the Kingis Landes and moveables, quhilkis perteined to K. IAMES 1, Is revoked be K. Iames 2. Iam, 2, par, 1, c, 2, All *Alienationes* of the Kingis Landes, and reſignationes of vther landes, maid be King IAMES the Thrid, fra the ſeconde day of September, the zeir of God, ane thouſand, foure hundreth, auchtie ſeven zeires, to the time of his deceaſe, ar null, Iames 4. par, 4, cap, 50.

Alienationes maid be naturall fooles, furious and wood-men, ſen the time of their follie, or furioſitie, is null Iam, 3, par, 8, c, 66, The byear of landes ſuld keepe the tackes preceeding the alienation maid to him, Iam, 2, par, 6, cap, 18,

Alienation maid bee ane quha remainis rebell, vn-relaxed, or zit reteinis poſſeſſion, is null, Iam, 6, p, 12, 145, The King may without proceſſe of Lawe, put to his handes to all landes annexed to his Crowne, annalled be him, or his Predeceſſoures, quhilkis ar not lauchfullie diſſolved, Iam, 2 parlia, 11, cap, 41, Iam, 5 parliament 6, cap, 84, *vide* Annexation. *Alienationes* and diſpoſitiones maid be him, quha is relaxed fra the Horne, and for the ſame cauſe paſſis againe to the Horne, in the time betuixt the relaxation, and ſecend Horning, ar null, be way of exception, Mar, par, 6, c, 31. *Alienationes* and diſpoſitiones maid bee them quha ar forefalted for the murther of King Iames the Sext his Father, and twa Regentes, ar null, Iames 6, par, 2. c. 36. Iam. 6, par, 5, cap, 65, *vide* fore-ſaltour.

All *Alienationes* maid bee Burgeſſes, quha maid defection fra the King, ar of nane availe. Iam. 6, p. 2. cap. 39, All alienationes maid be Burrowes of their freedome and priviledges without the Kingis licence, ar null. Iam. 6, par. 11, c. 112.

Alienation of the Kingis Caſtelles, Palices Parkes, meadowes and coale-heuches, ar nul. Iam. 6 parlia. 15. c. 235: The Kingis annexed propertie may not be annalled before the diſſolution, bot after the ſamin, and conforme to the conditiones thereof, Iam. 6. par, 15. c. 236,

The Kingis vaſſalles may not annalie their landes, in prejudice of the King their Superiour. Iam, 6, p. 11, c. 112, Reduction of alienationes, maid in fraud of the creditour, ſuld be decided ſummarlie, and the perſewer ſuld conſigne ane ſumme, modified be the Lordes. Iam. 6. par. 7. c, 117, Ane woman divorced for adulterie committed bee her, may not annalie her landes nor poſſeſſiones, in prejudice of her lauchfull aires, Iam. 6. par. 12, c, 147. *Alienationes*, penſiones, diſcharges of the thrid of benefices, Iam, 6, p, 12, c. 121, Alienationes maid be forefalted perſones, ar null, quhilkis ar not confirmed be the King, or authorized be decreete of

of ane Ordinar judge, before the ſummoundes of foreſaltour. Iam. 6. Par. 14. cap. 202.

Annexation of the Temporalitie of benefices to the Crowne, and ſindrie clauſes, artickles, conditiones, and exceptiones Iam. 6. par. 11. cap. 29. Annexation and vnion of benefices to Prelacies, is forbidden and diſſolved Iam. 3. par. 6. ca. 43. *Annexation* of landes to the Crowne, quhilkis may not be annalied, without conſent of the three Eſtaites, or after ane lauchfull diſſolution. Iam. 2. par. 11, cap. 41. Iam. 5. Par. 6. cap. 84. Iam. 5. Parli. 7. cap. 115. Iam. 6. Par. 13. cap. 176. Iam. 6. p. 14. cap. 203. *Annexation* of the Earledome of Roſſe. Iames 3. Par. 9. c. 71. Of the Earledome of Marche and others. Iam. 3. Par. 14. cap. 112. Landes lyand in ane Schireffedome, annexed to landes lyand in ane vther, ſal anſwere to the juſtice aire, & Schireff Courtes, of the Schireffedome quhair they ly, and ar ſituate. Iam. 4. Par. 6. cap. 93. *Annexation* to the Crowne of few-mailles, blanch dewties of all Landes and Barronnies, quhilk perteined to onie beneficе, and hes ben erected in Temporall livings, ſen the twentie ninth day of Iulij, 1587. Iam. 6. Par. 14. cap. 207. And being annexed to the Crowne, ſuld remaine there-with. Iam. 6. P. 14, cap. 229. *Annexation* of the Kingis propertie, returnis to their awin nature, after the expyring of the diſſolution thereof: Quhilkis diſſolutiones, ceaſis and endis, be the deceaſe of the King, maker thereof. Iam 4 P. 6. cap. 90. The Landes of Dumfermeling, lyand vpon the North ſide of the water of Forth, ar annexed to the Crowne. Iam. 6. P. 13. c. 189.

Annuall-rentes within Burgh, ſuld bee recovered, conforme to the vſe obſerued in Edinburgh, and the Burrow Lawes. Iam. 4. P. 2, c, 20. *Annuelles* of burnt landes within Burgh, and ſindrie Lawes concerning them. Mar. P. 4, c, 10, Iam. 6. P. 4. c. 58. *Annual-rentes* payed fourth of the Kingis propertie, to Kirk men, after their deceaſe, ſulde returne to the Crowne, as ane parte of the patrimonie thereof. Iam, 6, Par, 13. c, 167. All redeemeable annuelles, may be redeemed, be payment of Ten for the Hundreth. Iam. 6, P, 12, cap. 135. In wed-ſettes, It is not leaſum to take mair for annuall, then Ten for the hundreth, or fiue Bolles victuall. Iam. 6. Par. 14. c, 222, Iam, 6, Par, 11. c 52. Or Ten for the hundreth and na mair, either ſilver or victuall. Iam, 6, Par, 15, Cap, 247,

Appellation may be interponed be ane laick patron, fra the Super-in-tendentto the provincial aſſemblie, and therefra to the generall Aſſemblie. Iam, 6, P, 1, c, 7, *Appellation* interponed be ane adulterer, denunced rebell, fra the Cenſure of Halie Kirk, ſuſpendis not the Horning, Mar, P, 5. c. 20. Appellation of curſed perſones, ſtayis not the execution of the decreete given againſt them, Iames, 5. P, 4, c, 35,

Aqua-vitæ, baken bread, and browen aill, may be caried be the inhabitants of the burrowes of the Weſt Seas, to the Iles. Mar, P, 6, c, 40,

Arbitrie, how and be quhom the overſman ſuld be choſen, Iam, 1, Par, 6, c, 87, In aſſiſes of moleſtation of propertie and commountie, the Overſman ſuld be choſen be cavill. Iam. 6. p. 11. c. 42.

Artherie is commanded to be vſed. Iam. 1. par. 1. cap. 18. Iam. 2. par. 14. c. 65. Iam. 4 par. 3. c. 32.

Armour preſerved to ilk man, conforme to his eſtait. Iam. 2. P. 13. c. 57. Iam. 3. p. 6. cap. 44. Iam. 3. Pa. 11. c. 80. Iam. 5. par. 6. c. 87. 88. Hag buttes and artaillarie, ſuld be provided and brocht hame bee Merchandes. Iam. 5. p. 7. c. 94. c. 95.

Arreiſtementes maid be Crowners, may bee broken be witneſſe. Iam. 3. p. 7. c. 52. The forme of arreiſting maiſterfull men, be the Crowner. Iam. 3 p. 14. c. 99. And of them quha ar nocht diſtreinzieable for the vn-law. Iam. 5. par. 3, c. 5. Breakers of arreiſtment, ar puniſhed bee eikheit of their gudes and ſatisfaction to the partie. Iam. 6. p. 7. c. 117. Arreiſted perſones to the juſtice aire, how they ſuld be keiped. Iam. 3. p. 14. c. 101. Breaking of arreiſtmentes ſuld be decided ſummarlie, and the paine thereof. Iam. 6. par. 7. cap. 117. Landed lordes ſuld arreiſt thieues, rieuers, and malefactoures, committand crimes within their lands, or paſſing throw their boundes. Iam. 6. Par. 11. ca. 93. Arreiſting of fugitiues fra the juſtice aire. Iam. 5 p. 4. c. 33. Arreiſtment maid bee the Crowner, Iam. 1. p. 13. c. 139.

Aſſedationes. See Tackes.

Aſſiſours ſuld ſweare that they haue not taken, nor ſall not take meid or buddes Iam. 1, p. 13. cap. 138. He quha giues vp dittay, vpon ane vther, may not be vpon his aſſiſe. Iam. 1 p. 3. c. 50. Aſſiſours committand wilful or ignorant errour in civill cauſes, may be perſewed, and their determination reduced, and they puniſhed. Iam. 3. P. 6. c. 47. Wilfull errour of aſſiſours in criminall cauſes, may be tryed bee the confeſſion of their faults, or be ane great aſſiſe. Ia. 3. p. 8. c. 63. Aſſiſours vpon the brieue of inqueſt, may be ſummoned vpon ony ſchort time, or at the Barre. Iam. 4, p. 6 cap. 94. Aſſiſours in criminall cauſes, ſuld be ſummond to the number of fourtie fiue, and na maa. Iam. 6. P. 6. c. 76, Iam. 6. P. 11, c, 88. Aſſiſours in the cauſe of Perambulation, Iam. 6. p. 6. ca. 79. All moleſtations & cognitions of propertie & commontie, ſuld be decided be ane aſſiſe. Iam. 6 p 11. c. 42. In juſtice courtes, Aſſiſours ſuld be al called, & the abſentes amerciat & vn lawed. Iam. 6. p. 11. c. 76. And their vn-lawes without onie compoſition, ſulde be taken vp be the Theſaurar. Iam. 6. p. 12. c. 126. In juſtice aires, the Aſſiſours not compeirand, payis the vn law of fourtie punds. Ia 6 p. 11. c. 81. The accuſation, reaſoning probation & inſtruction of the crime, ſuld be deduced before the Aſſiſe, in preſence of the partie accuſed. Ia. 6. p. 11. c. 90 Ane Aſſiſour doubting, ſuld ſeek reſolution thereof in judgement: The haill Aſſiſe may bee incluſed. Iam 6. p. 11. c. 91.

Aſſurance, during the time thereof, the friende of the perſon aſſured, committand ſlaughter, or doing injurie, ſuld be puniſhed. Iames the Firſt; Parliament, 6. Capit. 97. Scottes-men being Aſſured with Engliſh-men, and receiving damnage and skaith fra Scottes-men vn-aſſured, hes na action therefore competent to them. Marie, Parliament 5. Cap. 13. Ane Scottes-man

man, assured with English-men, may be persewed for all skaith done to Scottes-men vn-assured: Mar. p.5.c.15. Assurance with thieues is forbidden. Iam.6.p.1.c.21,

Assise Herring, *vide* Herring.

Auld-stacks, vide victuall.

Attachmentes may be maid be the Mair, his deputes, be his maisters precept, commanding him to make the summoundes. Iam.1.par.9.c.111. *vide* Summoundes.

Ath, or *iuramentum de calumnia*, suld be maid bee Advocates, and the parties. Iam.1.p.9,c,125. Swearers of abhominable aithes, and execrationes, suld be punished. Mar,p,5,c,16. Iam,6,parliam.7.c,103. The aith of them quha returnis to the Religion, and the Kingis obedience. Iam.6,p,3,c.47. The *Ath* of the Kingis Councell, for the quhilk they suld be answearable to him, Iam. 4.p,2,c,12, All Customers and searchours suld make faith, anent their fidelitie in their office. Iam,6,p,13,c,168. All the Lieges suld make ane aith of obedience to the Queene. Iam, 1.p,8,c,109. Iam.1,p.13,c.136. All merchandes, skippers, factours, suld make faith, anent for-bidden gudes, Iam,6.par,15,c,257.

B.

Bagimount (ane Cardinall sent from Rome in this Realme) his taxation of Benefices, Iam,3,p,6,c,43. Iam.4,p,3,c,39.

Bailles of fire suld be maid in the Bordoures, in time of weir. Iam.2,p,12,c,48.

Bandes amangst the Lieges of this Realme is forbidden, Iam,1,p,2,c.30, And sik-like within Burrowes, Iam,2,p,14,c,78, And speciallie of Burgesses, Iam,4,p,3,c,34 Iam,4.p,6,c,87, All Bandes and leagues of maintenance, and manrent ar null. Mar,p,6,c,43, Except the King consent thereto, Iam,6.p,10,c,12. All bands and convocation of men of weir, in weir like maner, ar forbidden, vnder the paine of death. Ma. p.9.c,75.

Bandes given be leill men to thieues, for entring againe to them, ar vnlawfull. Iam,6.p,1.c.21, Ane band suld be maid be all Noble men, of concurrence against thieues and Sorneres: Iam.6,p,14. c,227.

Bardes, vide Vagaboundes, *vide* Sorners.

Banquettes, quhom be, and in quhat maner they suld be maid, and in quhat maner they ar forbidden. Mar,p,5,ca, 12. Iam.6,p,7,c,114,

Barronnes in their Barronnies, suld set ane price vpon ilk wark manschip. Iam,1,Par.7.c,102 They suld hunte the Woolfe, Iam,1.p,7,c.104. Barronnes in the North and West, suld haue Gallayes. Iam,1,p,9,c,126, They suld saw in their domaines, and cause their husbands saw Quheat, Pease, and Beanes, Iam.2,p,14,c,82, They suld destroy Cruves, and zaires within their jurisdiction. Mar.p.9.c.68. The liberties and priviledges granted to the Nobilitie and Barronnes ratified, Iam,6,p,1,c,25. Barronnes being infeft with sik freedomes, may punish slaughter committed within their Barronnies. Iam. 1,p,6, c,91. Barronnes be their Commissioners, ha voite in Parliament, and generall Councelles, Iam, 1,p,7,c,101, Iam,4, p.6.c,78, Iam,6.p,11,c,113, Iam.6,p,15,c,272. Barronnes and vther Landed men may escheit all Nolt, Scheepe, and vther gudes foundin within their Foresles. Iam,5. p.4,c,11, Vnion of Barronnies, maid in the Kingis minoritie, ar revoked, quhilk is extended to creation of Barronnies, within the Kingis annexed propertie. Iam,6 p,11,c,31,

Barratrie, vide Benefices. Barratrie is committed bee Clerkes passand foorth of the Realme, to purchasse benefices without licence of the Chancellar. Iam.1, p.7,c,106. The paine of Barratrie is proscription, banishment, and never to bruik benefice, honour, office, nor dignitie within the Realme, Iam, 6,p,1,c,2, The Sonnes of Noble men and vthers, passand to schooles, without the Kingis licence, committis Barratrie. Iam.6,p,6.c.71, The Temporall Landes of all Benefices, ar annexed to the Crowne, albeit the possessour was convict of Barratrie and restored. Ia.6.par,11,Cap.29, Disposition of lands, cum in the Kingis hands, be reason of bastardrie ar revoked. Iam.6.p.11.ca,31.

Beggers, of their age, paine, and marke Ia,1,P.1.c.25, Iam,1.p,2,c,42, Quhat people suld be suffered to beg, and the vn-law of judges quha suffers Beggers contrair the Law. Iam.4.p.6.c.70. They suld Begge within the Paroch, within the quhilk they ar borne: And beare the marke thereof. Iam.5.p,4.c.27: Diverse ordinances maid anent Beggers. Iam,6.p.6,c.74, Iam.6.p.10.c.16, Iam.6: pa.12,c,147, Iam,6,parliament 15.cap. 268.

Beiff and Mutton suld come to the mercat with hide, skin, and birne Mar.P.9.cap.85.

Bees, Hiues and steallers thereof Iam.6.par.6c ap.84. *vide* Dittay.

Beanes, Pease, and Quheate, suld be sawen, Iames 2.p: 14.c.82.

Benefices suld not be purchased at *Rome*, and all taxation thereof is forbidden, quhilk is disconforme to the taxation of Bagimount. Iam.3.p.6.c.43. Iam.4.p.4.c,.53. Iam.6.p. 3.c.51. Iam.4.P.4. c,38. Iam.4,p.4.c.39, Commendes and pensiones of benefices ar forbidden: Iam:3:p.1:c:3:c.4. English-men suld not bruik benefices within this Realme: Iam: 3:p:1:c:7: The presentation of benefices, perteinis to the King, *sede vacante*. Iam:3.par:1: c:84,& 85:Ia: 4:p:1:c:4: That na man break the priuiledges granted be the sege of Rome: Iam:5: p:7:c:119: Benefices and pensiones given be the Queene, ar ratified: Iam:6:p:1.c:20: All Benefices, not exceeding three hundreth Markes, suld be given to Ministers, Iam.6,p,3.c.52. Iam. 6,p,7,c,102. Iam.6,p,13,c,163. Benefices of them quha ar slaine in the Kingis Hoist or armie, *vide* Hoist. Thriddes of benefices, *vide* Thriddes: *vide* Ministers. Resignationes of Prelacies, maid with reservation of the life-rent of the resignant, is null. Prelacies cannot bee dis-

disponed, bot be dimission, deceasse, or forefaltour: Iam.6.p,9.c.1. Iam.6.p.13.c.182. Iam, 6.p.15.c. 274. Possessoures of Vicarages, and personages, being deprived, the benefices vaikis: And the Patrone suld present ane vther within sex Monethes. Iam: 6 p.12.c:115. All men provided to benefices, suld finde Caution to the Clerke of the Register, that they sall leaue at their deceasse, the benefice, als gud als it was the time of their admission, Iam.6,p.10.c.11. The twa part of the benefice vaikand, perteinis to the King. Iam.6.p.15.c.242. The first fruites, fifth pennie of benefices, Monkes portiones Iam. 6.p 8.c.137. Iam.6.p.12,c.126. The rentall of all Benefices, Hospitalles, Maison dieus, suld be given vp to the Kingis Commissioners. Iam.6,p:12,c,131. Benefices of Cure, of laick patronage, disponed to Ministers, payis na Thrid Iam.6.p.12,c.158, All dispositiones of the Temporalitie of benefices vaikand, given be the King, sen the zeir of God, ane thousand, fiue hundreth, auchtie seven zeires, ar null and invalide. Iam. 6.p. 14. c. 207. Beneficed persones suld not bee onie fewes, tackes, provisiones, or onie vther dispositiones, change the victuall of their benefices in silver. Iam.6.par.10:c. 11. Bishoppricks suld be given to Ministers, and nane vthers. Iam.6,p,15,c.231.

Berwick and Roxburgh, suld receiue na support of victuall, or vther supplie, vnder the paine of treason, Iam.2,p,12,c,52.

Bissettes and vther fowles of riefe, suld be destroyed: *vide* fowles of riefe.

Bibles and Psalme buikes, suld be had be all houshalders. Iam,6,p,6,c,72.

Black Cocks suld nocht be slaine, *vide* wilde Fowles.

Black-maill suld nocht be payed to thieues. Iam.6. par,1,c.21. Dittay suld be taken vpon payers and vp-takers of black maill, Iam,6, parli. 11.c,102,

Blanch-ferme, and al dispositiones, maid be the King, in his minoritie, *nomine albæ firmæ* of landes, halden of before be waird and relieue, ar reuoked. Iam.6 par.11,c,31.

Boll, division and quantitie thereof. Iam.1.p.4.ca.70. Iam.6,p,11,c, *vlt.*

Burgh or Caution to be founde in Court: The partie finder thereof, sall haue licence to aduise therewith. Ia,1,p,9,c, 115. He qnha recounteris ane borgh, and thereafter returnis nocht to the pronunciation of the decreete, tinis the action. Iam.1.p.9.c.117.

Bounding infeftmentes, conteinand speciall meithes and marches, *vide* infeftmentes.

Bread may be sauld be all the Kingis lieges in Edinburgh, vpon three mercat daies. Iam.5.p.7.c. 121. Baken bread may be caried to the Iles, be the inhabitantes of the Burrowes of the the West Sea. Mar. p.6.c.40.

Briefe of inquest suld bee proclaimed vpon fifteene daies Iam. 1.p.9.c. 127. Before twa witnesses, and the indorsation thereof sealed, with the stamp of the executors. Iames the Fourth p,6.c.94.

Exceptiones contrair the said brieue *ibid.*: Within quhat places the laide brieue sulde bee proclaimed, Iam.6. parli. 11.c.60. The substantiall partes and faultes of brieues. Iam,1, p,9.c,113. Brieues and vther letters suld keip the forme of the Chancellarie. Iam.4,p,2,cap, 24. They suld not be cryed vpon ane Hul quhair there is na confluence of people, bot at mercat croces, in time of mercat, before the officiares of the Towne. Iam.4:p,6,c 94, Brieue of Tutorie, raised at the instance of the nearest agnat, of the age of twentie fiue zeires. Iam.3:p.7 c.51. Brieue of Idiotrie, or furiositie, suld conteine ane declaration of the nullitie of all thinges done be the foole, or furious person, fra the beginning of his furie or follie. Iam.3.p 8.c.66

Brieues pleadable. Iam 3:p.6.c.41.

Broome suld be sawen. Iam.2.p.14.c.81. Broome suld not be ranged, without consent of the awner. Mar.p.6.c.51, It suld not be destroyed. Iam 6.p.6.c 84.

Buikes, vide Religion. *vide* famous Libelles: Buikes of *responde*: *vide* reliefe. Letters suld be direct against archbischoppes, vpon the buikes of responde. Iam, 6 p,11,c.73,

Bullioun suld bee brocht hame be Merchandes, and they sulde finde caution to that effect to Customers, and Clerkes of Conquet. Iam.1,p,13, cap, 143. Iam:3:p 7:c:50: Iam:6. p:7.c:107. And failzieing th creanent, they sall paie ane vn-law to the King: Iam,3:Par.7.c 50, Iam,3,p.8.c,64, Iam: 3:p.13.c.93. Iam.4. p.1.c.2. Iam:6:p:15:ca: 249: Bullioun suld not be caried forth of the Realme. Iames 2, parliament 8:c:34:

Buriall of the dead folkes suld be conforme to the ordour, to be prescrived be the secreit councel. Mar.p: 9:c:76.

Burgesses suld not be maid without consent of the great Councel of the Burgh. Ia.4.p.6.ca,86.

Burrow mailles perteinis to the King, Iam. 1,p.1.c.8. Priviledges of Burrowes ar confirmed. Iam,4 p,6, c,84; I,6,p,1,c,26. I.6,p.5.c,64. And letters suld be direct thereanent, without calling of the parties Mar,p,6,c,50. Mar,p,9,c,86, The commoun gud of Burrowes suld be spended vpon the commoun profite, and necessair affaires of the Towne: And may not be set bot for three zeires allanerlie, Iam,4,p,3.c,36, Iam, 6,p,13,cap,181. Commissioners of Burrowes may conveene togidder. Iam,3,p,14,c, 111. And failzieing, to do the samin, payis twentie poundes, Iam,6,par.7, c,119, Taxation of Burrowes suld not be altered, Iam,6,p,11,c,111, Na free Burgh may sell their Freedome, without consent of the three Estaites. Iam,6,p,11,c.112.

Burgesses repleged fra the justice aire, suld thoill ane Assise of their nichtboures, before the justice, sittand in the principal burgh of the royaltie. Iam. 4, parliament, 1, c.1. Convention within Burgh is discharged, except it be maid at the command of the officiars, Iam,4, p:3, Capit:34, Mar, p.9,c,83,

Burgesſes ſuld not ride nor gang, nor make band, or oppreſſe men, dwelland in Landwart. Iam.4.p. 3.c.34. Iam.2.parli.14.c.78. They ſuld obey their awin officiares. Iam. 4.p.3.c.34. Iam.4.p. 6.c.87. They ſuldc nocht haue ane weicht for byeing, and ane vther for ſeiling. Iam.5.Par.7. ca.114. Fiue or ſex of the principall Burrowes ſuld be warned to al conventiones, anent the making of peace and weir, and granting of all taxationes. Mar.p.9.c.82. Iam.4.p.6.c.85. *vide* Taxtion. Craftes-men may not exerciſe onie Craftes within Suburbes, adjacent to Burrowes. Iam.6,p.12,c,154, Iam.6.p.14.c.225. Burrowes of Regalitie and Barronnie, hes the like libertie, after the Act of Annexation maid in anno 1587. quhilk they had before the ſamin. Iames.6. p.11.c.29. The juriſdiction of the Deane of Gild within Burrowes, is confirmed. Iam.6.Par. 13.c.180. Merchandice ſuld be vſed within free Burrowes allanerlie. Iam.4.p.6.c.84.c.88. He quha tinis the pley within Burgh, payis the expenſes of the pley. Iam. 5.p.7.c. 110. Letters of horning ſuld be direct, for execution of the decreetes, giuen within Burgh, *inter concines*, vpon ten daies. Iam.6.p.13.c.177. Commoun paſſage fra Burrowes to Burrowes, to Portes or Havens, ſuld not be ſtopped, Mar.p.6.c 53. Iam.6. p,12.c.156. Officiares within Burgh, ſuld not be continued: The chuſing of them. Iam.3.p.5.c. 29. Foure of the auld Councell, ſuld be choſen with the new, Iam.3.p.7.c.56. Iam.3 parlia.14. c. 108. Officiares within Burghes of Regalitie and Barronnie, quhairof the ſuperioritie perteinis to the King, be the act of Annexation, ſuld be elected and choſen, conforme to the Actes of Parliament, maid anent free Burghes. Iam.6.p.11.c.29. Magiſtrates or officiares within Burgh, ſuld puniſh committers of ſlauchter, *vide* Slauchter. They ſuld execute the Actes anent cleeithing. Iam.3 par. 6.c.45. And the Actes anent Merchandes, ſailland contrair the Lawes. Iam.4.p.2.c.14 The Officiares within Burgh, ſulde puniſh the Wardaine within Burgh; not pryſand the warkmanſhip of ilk craft. Iam.1 p.7.c.102. They ſuld execute all decreetes within Burgh, or ſatiſfie the obteiner thereof, Iam.4.p.3.c.30. They ſuld clip falſe money, and deliver the ſamin to the awner. Iam.4 p.4.cap 40. Iam.6.p.1.cap. 19. They ſuld bigge houſes for keiping of perſones committed to warde. Iam.6.p.15.c.273. They ſuld cauſe Schippes be maid: And puniſh idle men. Iam.4.p.4.c.49. They ſuld be changed zeirlie, and ſuld be merchandes. Iam.4.p.6.cap. 80. Officiares within Burgh, ſuld ſee that Maltmakers keip the Actes of Parliament. Iam.4.p.6, c. 92. They ſuld puniſh Fore-ſtallers. Iam.5.pa. 4.cap.20. Iam.5.p.7.c.113. Iam 6.p.6.c,88. They ſuld giue in ane Roll, of the names of merchandes ſailland, to the Skipper, or awner of the Schip Iam.5.P.4.c.23. They ſulde bee honeſt and ſubſtantious Burgeſſes, merchandes, and in-dwellers within Burgh. Iam.5. p.4.c.25. They ſuld not bee troubled in vſing their priuiledges. Iam.5.p.4.c.26. They ſulde prouide for Hag buttes and artaillierie. Iames 5. Parliament 7. Cap.94. They ſuld ſet price vpon fiſh. Iames.5. Parliament 7.Cap.98, And on wine, ſalt, and Timmer, brocht in be ſtrangers. Iames 5. Parliament 7.c.100. They ſuld take inquiſition of Craftesmen, quha perfitis not, nor endis their warke. Iam 5.par.7.c.111. They ſulde ſet prices vpon craftes-mennis warke, meate, and drinke in Hoſtellares. Mar.P,5.c.23. They ſulde chuſe ane Viſitour of Craftes-men, in place of Deakonnes. Mar.p.6.c.52. They havand the Kingis Commiſſion, ſuld puniſh Fornicatoures. Iam.6,P.1,c.13. The quantitie of fleſh ſuld be appoynted be them in Schips, for victualling. Iam,6 p.5.c.67. Vnder the paine of tinſell of their freedome, they ſulde puniſh al them quha corruptis, and mixtis wines, or hidis the ſamin in their houſes, or priuie places. Iam.6.p.7.c.126. They ſuld concurre and aſſiſt all men, in taking or arreiſting of Sorners: Iam.6.p.6.c.74. Iam,6.P.10.c.16. Iames 6.P.14.c.227. They ſulde ſearch, apprehende, and put in waird, all hame-bringers of erroneous buikes. Iam.6.p.11.c.25 They ſuld aſſiſt the Kingis Cuſtomers, to ſearch the Kingis Cuſtomes, and make patent dures therefore, Iam.6 P.12 c,129. They ſuld eſcheit all the moveable gudes of vn-free men, exercing merchandice. Iam.6.p.12.cap,152, Within Burgh quha ſuld bee ſubject to watching and warding. Iam.6,parliam,15,c 275. *vide* Merchandes.

The Officiares within Burgh, ſuld diſcharge all Faires and mercattes vpon Halie-daies. Iames,6, Par.13.c 159. They ſuld keip and cauſe be keiped, the actes maid anent Lipper-folk, ſeik. Ia, 1,p,7,c,105, And alſo the Actes anent frauchting and laidning of Schippes, Iam, 3,p,13: c,109. They ſuld depute ane ſworne man, to meaſure, and mette all ſellable gudes, with water mettes. Iam.1.p.3.c.58. They ſuld puniſh profaners of the Sabboth daye, Iames 6,P,14,c,198. They ſuld take Caution of Merchandes, for payment of the impoſt of wine to the King. Iames.6,p,14,c,206 They may not take Armour, make conventiones, or reſiſt in feare of weir, without conſent of the King, and their Magiſtrates. Marie, Parliament 9.cap.83.

They ſuld depute in ilk Burgh, ane ſearchour, to ſearch and accuſe eatters of fleſh in Lentron, in for-bidden times. Iames the Sext. Parliament 14. Capit.221.

Burſars within Colleges and Vniverſities, *vide* Patron.

Butter convenient for eating, ſulde nocht bee tranſported foorth of the Realme. Iames 6. Parliament 4.Cap.59.

C

Caithnesse ſulde haue ane Schireffe. Iam. 4. Parli. 6. c. 61.

Candell ſulde not be tranſported furth of the Realme. Iam. 6 par. 4. c. 59.

Captaines: vide Weapon-ſchawing.

Cattell ſulde not bee ſauld to Engliſh-men, bot for gold and ſilver. Iam. 2. parlia. 8. cap. 35. Kye, Oxen, Scheipe, nor nā vther cattell, ſuld be ſauld fooith of Realme. Iam. 3. parlia. 4. cap. 24. Iam. 5. Parlia. 4. cap. 19. Iam. 6. par, 7. cap, 124 Nolt nor Scheipe ſuld not be ſauld or tranſported into England. Iam. 6, Par, 12, c, 149.

Caſualsties, vide King, *vide* Theſaurar.

Caſtelles vpon the Bordoures and the Sea coaſt, ſulde be fortified and furniſhed. Iames 3. Parlia. 11. cap. 82. Na man may receiue money, landes, benefices or gudes, directlie, or indirectlie, for randering and delivering of the Kingis Caſtelles, or ſtrengthes Iam, 6. parlia. 7. cap 125. Money aſſigned for keiping of the Kingis Caſtelles. Iames 6. par. 9 cap. 8. It is not leafum to analie or diſpone the Kingis Caſtelles. Iames 6. par. 15. cap. 235.

Caution in all Criminall cauſes, ſuld be founde bee the perſewer to the juſtice Clerk, for lauchfull execution of the letters, and reporting thereof: And baith the parties ſuld finde ſovertie to keipe the number of the Proloquutors preſerved in the Acts of Parliament. Iam. 6. parli. 11. cap. 85. Iam, 6. p. 8. cap. 140. Iam, 6, Par, 7, c, 117. Iam. 5 par. 4. c. 34, And ſik like caution ſulde bee founde to perſew at the daye conteined in the letters, Iam. 6, par, 6, cap, 78. Landeſ lordes and Baillies in the Bordoures and Hielandes, ſuld finde caution for their men, Iam, 6, Par, 14, c, 227. *Caution* ſuld be founde be Schireffes and vther judges, to make compt in the Checker, and to performe certaine vther thinges. Iam, 6, parlia, 12. cap. 124, Iam. 6, par. 14. cap, 230. All Schireffes ſuld finde *Caution* in Edinburgh, to make compt in the Checker, Iam, 6, parlia, 11, cap, 80, Eccleſiaſticall perſones ſuld finde caution to leaue the benefice, the time of their deceaſe, als gud as it was the time of their admiſſion. Iam, 6, par. 10, cap, 11. In Actiones of remouoing, *Caution* ſuld be found Mar, par. 6, cap, 39. *Caution* given bee leill men to thieues, for their enting, is null. Iam, 6, par, 1, cap, 21. *Caution* ſuld be found for aſſithment to be maid to the partie, be him quha beand accuſed for ane crime before the juſtice, takis him to his remiſſion. Iam. 2: par, 14, cap, 75: Iam, 5, par. 3, cap, 7, The partie havand entreſſe, hes action againſt the *Cautioner*, founde before the juſtice, for ſpuilzie, rieſe, or thieft, Iames 6, Par, 14, cap, 227. The aires of Notars, ar obliſhed be reaſone of *Caution* founde be their Predeceſſoures. Iam, 6, par, 11, cap, 45. *Caution* ſuld be founde in *Edinburgh*, at the inſtance of the Comptroller, be all Chalmerlaines, and intromettoures, with the Kingis rentes, to make compt and reckoning thereof in the Checker, Iames 6, par, 11. cap. 65, All officiars of armes ſuld finde *Caution* for the damnage that onie perſone ſall ſuſtein be their falſhood, ſlouth, or informall doing, and that they ſall haue ane horſe to ſerue the liege, Iam, 6, par, 14, ca 208, Ia. 6. p. 11. c. 72. And for obſerving of their Injunctiones. Ia. 6. p. 12. cap, 125, *Caution* ſuld be founde be obteiners of Commiſſiones in criminall cauſes: that they ſall do diligence, conforme thereto. Iames the Sext, parliament 11, cap. 75, And that they produce the proces, and pay to the King his parte of the commoditie, conforme to the Commiſſion. Iam. 6, par, 12, cap, 126. *Caution* ſuld bee founde be Bordourers and Hielandes men, that their pleges entred be them to the Councell, ſall keip waird vntill they be relieved Iam, 6, par. 11, cap. 94.

The aires of the *Cautioners* for pleges or broken men, ar obliſhed. Suppoſe na ſpeciall mention bee maid of them. Iam. 6. parlia 11. cap. 98, Payers and receivers of black-maill, ſuld finde ſovertie to abſteine therefra. Iam. 6. par. 11, cap. 102 *Caution* ſuld be founde to the Theſaurar for his relieſe, ihat the donatour of the eſcheit, ſalbe reſponſall in gudes and geare to the creditour, Iam. 6, parlia, 12. cap. 145. Foreſtallers and Regraters ſulde finde *Caution* to abſteine in time cumming: Iam, 6. par. 12. cap. 148, *Caution* ſuld be found be ſtoppers of the paſſages and Hie-ſtreetes of Burrowes. Iam. 6, parl. 12 cap. 156. Conjunct-feares, life-renters, and donatoures, to warde landes, ſuld, finde *Caution*, that the conjunct-fee, life rent, and waird landes, ſall not bee waſted or deſtroyed. Iam. 4. par. 3. cap. 25, Iam. 5. parl. 4 ca. 14 *Caution* ſuld be taken of broken men within Caſtelles, for quietneſſe of the Cuntrie. Iam. 2. parliam. 2, cap. 3. Committers of ſlauchter or mutilation ſuld finde *Caution* to vnderlie the Law *vide* Slauchter, Raiſers of fire, and rauiſhers of weemen, ſuld finde *Caution*; Iam: 5: par: 7: c: 118: *Caution* ſuld be found in all improbations, Mar, pa 7, c. 62. When the Theſaurar charges for liquidat paines or vnlawes, na ſuſpenſion ſuld bee granted bot vpon *Caution*, dwelland vpon the inpartes of the Realme. Iam, 6, p, 12, c, 126. The Theſaurar ſuld receiue Caution fra al perſones nominate to benefices, for payment of the firſt fruites. Iam, 6. parli. 8, c, 137. *Caution* ſuld be found be the merchandes, for payment of the impoſt of wine to the King, Iam, 6, p, 14. cap: 206: In all actiones of ejection, as alſwa in actiones of remooveing, *Caution* ſuld be found for violent proffites. Iam. 6, P. 14. c, 217. *Caution* ſuld be found be the heretoures, to the conjunct-feares, and life-renters, for the mailles of auld and decayed tenements within Burgh. Ia. 6. P. 14. c. 226. All Landeſ-lords and Baillies ſuld finde Sovertie that their men ſalbe anſwereable to juſtice: & ilk houſhalder of the Clan ſuld find ſovertie to relief his Maiſter. Ia. 6. p. 14. c. 227. The awners or ſetters of houſes in Burghes or Suburbes, ſuld take ſovertie of them to quhom they ſet their houſes. Iam. 6. P. 14. c. 227. Ane makand eſſoinzie or excuſe for ane vther in Court, ſuld finde ane Borgh or Caution, for probation of the ſaid eſſoinzie: *vide* Borgh.

The inhabitantes of the Iles and Hielandes ſulde finde caution for gud ordour. Iam. 6. Par. 15. chap. 262.

He quha before the juſtice takis him to his remiſſion, ſuld finde caution for aſſithment to be maid to the partie: *vide* act of adjournall: Earles, Lordes, and Free-halders, ſuld finde caution for not ſlaying of read fiſh, Smoltes, frie, and ſalmond. Iam. 6. p. 15. c. 261.

Campes in Galloway and Carrict ſuld not be taken. Ia. 4. P. 2. c. 18.

Chalmerlane in his aire, ſall inquire anente beggers. Iam. 1. Par. 2. c. 42. And carriers awaie of money vn-cuſtomed. Iam. 1. P. 3. c. 49. Hee ſuld execute the Actes maid anent weapon-ſchawing. Iam. 1. par. 3. c. 60. Iam. 4 p. 3. c. 31. Hee may giue licence to laick perſones, to paſſe foorth of the Realme. Iam. 1. p. 6. c. 84. He ſuld challenge the Seargeant within Burgh, not havand his wand. Iam. 1. p. 6. c. 99 He ſuld puniſh officiares within Burgh, negligent anent the fees and prices of ilk craft. Iam. 1. par. 7. c. 102 He ſuld puniſh officiares or magiſtrates within Burgh, not keipand the Law, maid anent beggers. Iam. 1. parlia. 7. c. 103. He ſuld execute the actes maid anent mettes and meaſures. Iam. 3. par. 4 c. 22. Iam. 4. Par. 3. c. 33: Iam. 4. p. 6 c. 96. He ſuld take inquiſition how the commoun gude of the Burgh is ſpended. Iam. 4. p. 3. c. 36 He ſuld ride throw the cuntrie, in ane competent and eaſie number. Iam. 2. par. 6. c. 21. Chalmerlane aires ſulde be halden anis in the zeir. Iam. 1 par. 7, cap. 102. Heretable Chalmerlaines of the Kingis rentes, ar diſcharged. Iam. 6. par. 15. c. 238.

Chancellar ſuld reforme Hoſpitalles. Iam. 1. parliam. 2. ca 27. *vide* Hoſpitalles. He may giue licence to Clerkes, to paſſe foorth of the Realme. Iam. 1. p. 6. c. 84. Iam. 4. p. 5. ca. 53. The forme of the Chancellarie, ſuld not be altered. Iam. 4. par. 3 c. 24. Na noveltie or informalitie, contrair the ſaid forme, ſuld be vſed. Iam. 6. par. 10. c. 13.

Charter partie is neceſſar to all Schippes, and the ſpeciall poyntes thereof. Iam. 3. parliament. ſecond, c. 14.

Chaud-mella, That is ane treſpaſſe of ſlaughter, ſuddainlie done. Iam. 1. parlia. 6. c. 95. Iam. 3. par. 5. c. 35. *vide* fore-thoucht-felonie. *vide* Gyrth.

Claith ſuld not be bocht and ſauld be Liſtars. Iam. 2. par. 14. c. 67. claith ſulde be ſealed in ilk burgh, be ane appoynted to that effect. Claith ſuld nocht be drawen, flailed, carded, creſched, or calked, Iam. 5 p. 7. c. 112. Woollen Claith ſuld be mette bee the rig. Iam. 3. par. 5. cap. 31. Ane douzen of Claith conteinis twelue elnes. Iames, 6. Parliament. 7. cap. 108.

Clathing ſuld be worne conforme to ilk manniſeſtaite Iam. 1. par. 9. cap. 118. Iam. 2. parliament. 14. cap. 71, Iam. 6. p. 7. cap. 113.

Cheeſe ſuld not be tranſported foorth of the Realme. Ia. 6. Par. 4. c. 59.

Checker Compt ſuld be maid of the Kingis propertie. and caſualitie. Iam. 5. par. 7. c. 96. In it the Chalmerlaine ſuld make compt of the cuſtome of gold and ſilver. Iam. 1. par. 3. c. 49. The aſſay of gold and ſilver cuinzied, ſuld be examined zeirly in the Checker, and compt ſuld bee maid of all money cuinzied, alſweill anent the quantitie, as fineſſe thereof. Iam. 2 p. 13. c. 59. Iam. 4 par. 1. c. 2 Compt of the bullieon ſuld be maid in the Checker. Iam. 4. p. 2. ca. 14. Iam. 4. p. 5. c. 55. All ſaiſings given vpon precepts of the Chancellarie, ſuld bee brocht zeirlie to the Checker. Iam. 4. parli. ment 6. c. 89. And all vther ſaiſinges, at the leaſt the protocolles thereof. Iam. 5 p. 6. c 79. Ma p. 6. c 47. Iam. 6, parli. 11. c. 64. *vide* Saiſinges. The Theſaurar ſuld inquire in the Checker at the Schireffe, and all vther judges, makand their compts, anent the caution, quhilk wardatares & liſe-rentares ſuld finde to the minors and aires, Iam. 5. p. 4. c. 14. Compt of the commoun gud of all Burghes ſuld be maid zeirlie in the Checker. Iam. 5. p. 4. c. 25. And ſiklike of the thriddes of benefices. Iam. 6. p. 1. c. 10. The Checker ſuld begin zeirlie the firſt day of Iulij. The vnlaw of not-compeirance is fourtie pund, and perſones nocht compeirand, may be poynded, or denunced rebelles, at the mercat croce of *Edinburgh*: Of cauſes quhilk ſuld be treated in the Checker. Iam. 6. p. 11, c. 63, In compts maid in the Checker, na thing ſuld be allowed, *periculo computantis*: Na precept or diſcharge of the propertie, quhilk is not ſubſcrived be the Comptroller, ſuld be accepted or allowed. Iam. 6. p. 11. c. 77. and 67. In the Checker, compt ſuld bee maid of all relieſes, conforme to the iuſt availe. Iam. 6. p. 11. c. 73. And of all eſcheittes taken vp be the Schireff, Ia. 6. p. 11. c. 74. Iam. 6. p. 12. c. 124. In the Checker, inferiour compts ſuld be firſt heard: Iam. 6. par. 11. cap. 78: All Schireffes and vthers ſuld finde caution in *Edinburgh*, to make compt zeirlie in the Checker, Iam. 6. p. 11. c. 80: Iam. 6. p. 14. c. 230, Iam. 6. par. 12. c. 124. *vide* Caution: The Theſaurar ſuld make compt in the Checker, of the vn-lawes, and amerciamentes of juſtice aires, and of the expenſes maid therein. Iam. 6. p. 11. c. 81. Compt ſuld be maid in the Checker of the halfe of all moveable gudes eſcheitted, perteining to vn-free men, vſing merchandice: Iam: 6: p: 12. c. 152, Cuſtomers and ſearchoures, ſulde zeirlie make faith in the Checker of their fidelitie and diligence in their office: Iam. 6. p. 13. c. 168 The Lordes of the Checker ſuld make ane *A. B. C.* of the cuſtomes Iam. 6. p. 15. c. 251. And ſuld take caution of Ileſmen and Hie-land-men: Iames 6. parliament. 15. cap. 262:

Clanne, ony ane of the clanne may be puniſhed for the fault committed be ony vther of the ſamin clanne, *vide* Thieft.

Clachannes ar forbidden, and all Lords, Prelates, Great Barronnes, and Landed Gentle-men, ar diſcharged to buird themſelues in clachannes, burghes or aile-houſes, Iam. 6. p. 7. c. 116,

Clerkes or Kirkmen ſuld not paſſe furth of the Realme without licence, Iam. 1. parliament. 1. c. 13: Iam. 1. p. 6. c. 84, Iam. 1. p. 7. c. 106: Iam. 4. p. 4. c. 53. *vide* Barratrie: They ſuld not carrie money foorth of the realme, bot onelie their expenſes: Iames 3. Parliament 1. cap. 8.

Clerks of the Cocquet: *vide* Cuſtomers: *vide* Searchoures

vide Searchoures.

Clerk of the Regiſter ſuld deliver the extract of all Acts of Parliament, to all Schireffes, and Commiſſioners of Burrowes, to be proclaimed be them: *vide* Actes. He ſuld cauſe prent the Actes of Parliament Iam. 5. p. 7. c. 127, He ſuld take caution of Kirk-men, to leaue their benefices at their deceaſe, als gude as it was the time of their admiſſion. Ia. 6. p. 10, c, 11, He ſuld receiue the Protocolles of all ſaiſinges, and keip the ſamin in Regiſter. Iam. 6. p. 11. c, 45. *vide* ſaiſinges. He ſuld marke the number of the leaſes of all buikes, quhairin the ſignatours of the Collectorie, the Theſaurary, or Comptrollarie ar regiſtred. Iam. 6. p. 12. c. 133. He ſuld receiue and preſent in Parliament all Actes and ſupplicationes, ſubſcrived be the preſenter thereof, & adviſed be four of ilk eſtaite Iam, 6. p. 14. c. 208. He ſuld marke the Schireffe Clerke buikes, receiue the copies thereof, and keip them in the Regiſter. Iam. 6. p. 15. c. 271.

Cognitiones and moleſtationes of propertie and commountie, ſuld be decided before the Schireffe. Ia. 6. p, 11, c, 42.

Cocquet is neceſſar to all Schippes, ſailland over the ſea. Iam, 6, p, 2, c, 40, Iam 4. p. 4. c, 41. Iam, 4 p. 1. c, 3. All Cocquettes ſuld be ſpeciall. Ia, 6, p, 11, c, 155. And ſuld be formallie written. Iam. 6. p. 15 c. 256. All guds not conteined in the Cocquette, ſuld be confiſcat. Iam. 6. p. 15. c. 256, Ane Cocquette of all Merchandes gudes, ſuld be ſend hame be the Conſervatour. Iam. 6. p, 15. c, 260.

Coales ſuld not bee tranſported furth of the Realme. Mar. p. 9. c. 84. Iam, 6, p, 6, 90, Iam. 6, p, 15, c, 253, Coales ſuld be mette be water mettes. Ia. 1, P, 3, c. 58. Setting of fire in coale-heuches, is treaſon. Iam, 6, p. 12, c, 146.

Collectour of the thriddes of benefices, ſulde make compt in the checker: *vide* Checker: He ſuld charge him in his comptes, conforme to the firſt aſſumption of the thriddes of benefices. Ia. 6, p, 12. c, 121. He ſuld intromet with the halfe of the benefice, & ſtipend of Presbyteries, or ony ane perſon thereof, fund negligent in perſewing of Papiſtes, or receipting of them, Iam. 6, p, 14, c, 194: *vide* Thriddes.

Commendes of Benefices: *vide* Benefices.

Commiſſiones for ſerving of Brieues, and vther cauſes, ſuld be given to the judge Ordinar, and to na vther, except he be called to that effect Iam. 5. p. 6. c. 82. Commiſſiones of juſticiarie, ſuld not be granted generallie, nor for lang ſpace, and the obteiner ſuld finde caution to the King, for his commoditie, conteined in the Commiſſion. Iam. 6, p. 12. c. 126. Commiſſiones in criminall cauſes, ſuld paſſe the quarter ſeale: The obteiner thereof, ſuld finde caution for his diligence: Na commiſſion ſuld bee granted vpon ſlauchter. Iam. 6. p. 11. c. 75. Commiſſioners may be depute be the King, in all Schireffedomes, as juſtice deputes, conſtant, and continuall vp-takers of Dittay. Iam. 6. p. 11. c, 81. Commiſſion for puniſhing of Sorners, beggers, and Vagaboundes. Iam, 6, p, 12. c. 147. Commiſſion given to free Burrowes, to eſcheit all moueable gudes of vn freemen, vſand merchandice, the ane halfe to themſelues, and the vther halfe to the King. Iam. 6. p. 12. c. 152.

Commiſſares of Edinburgh, ar judges competent to all actiones dependand vpon the richt of benefices. Iam. 6. p. 1. c. 28.

Commoun gud of Burrowes, ſuld be ſpended, for the commoun profite & neceſſar things of the Burgh. Iam. 4. p. 3. c. 36. The commoun gud of Burrowes, ſuld be compted in the Checker. Iam. 5. P. 4. c. 25. The profite that is given for making of ilk Burges, or Gild, ſuld be wared vpon the commoun warkes of the town, Iam. 4 p. 6. c. 86. Twa craftſmen ſuld be ane parte of the Auditoures of the commoun gude, zeirlie within Burgh. Mar. p, 6. c, 52. The commoun gud, may not be ſet, bot for three zeires allanerlie. Iam. 4 P. 3. c. 36.

Commoun Kirkes, tackes, aſſedationes, and diſpoſitiones thereof, ar null Iam, 6, p 12, c, 121. They ſuld be given be the Patrones, to Miniſters of Gods worde. Iam. 6. p. 14. c. 196.

Commoun paſſages, and hie-gates fra Burrowes, or cumming to them, and fra drye Burghes to Havens adjacent to them, ſuld be obſerved and keiped. Mar, p. 6. c. 53. Iam. 6. p. 12. c. 156.

Compenſation de liquido ad liquidum, ſuld be received at ony time, before the giving of the decreete. Iam. 6, p. 12. c. 141.

Complices in criminall cauſes, ſuld bee conteined be their particular names in the letters. Ia. 6. p. 6. c. 76. Na letters of Law burrowes, ſuld be graunted againſt complices, quhais names ar not ſpeciallie expreemed. Iam. 6. p. 11, c. 85.

Compriſing for execution of decreetes, ſuld paſſe vpon the debtoures lands, his moveable guds being firſt diſcuſſed. Iam, 3. p. 5. c. 36. Iam. 5. p. 7. c. 106. Lands compriſed, may bee reduced within ſeven zeires. *vide* Redemption.

Comptrollar ſuld ſubſcriue all licences, for tranſporting of for bidden gudes. Iam. 6. p. 10. c. 15. He ſuld not anſwere nor admit ony penſione or precept furth of the Kingis propertie. Iam. 6. p. 10. c. 17. He ſulde charge himſelfe in his comptes with the vn-lawes of the Checker Iam. 6. p. 11, c. 63. The Comptroller ſuld cauſe al Chalmerlanes, and receivers of the Kingis rentes, finde caution in *Edinburgh*, to mak compt thereof in the Checker, and payment within twentie daies, after the terme. Iam, 6. p. 11. c. 65. He ſuld anſwere and charge himſelfe in his compts with the haill rent of the Kingis propertie, and be anſwearable for all Chalmerlaines and receivers thereof, and ſuld ſuſteine the Kingis houſe Iam. 6. p, 11, c, 66. Becauſe he ſuld intromet with the haill propertie. Iam, 6, p. 15, c. 238. Na precepts or diſcharges of the propertie, not ſubſcrived or allowed be the Comptroller, ſulde be allowed in the Checker. Ia. 6. p. 11. c. 67. He may ſet the Kings propertie in few-ferme, with augmentation of the rentall. Iam. 6. p. 11. c. 68. He ſuld ſubſcriue the infeftmentes of few ferme, and confirmationes of the Kingis propertie. Iam. 6. p. 12. c. 127. All gudes not being imput be the Comptrollar, founde paſturing in the kingis Parkes or Forreſtes, may be eſcheitted to the Kingis vſe. Ia. 6. P. 12. c. 128. He ſuld ſubſcriue and paſſe his Regiſter, all infeftmentes of the Kingis propertie. Ia. 6. p. 13. c. 171. He ſuld haue

haue, conforme to the price maid, the beſt and firſt of all victualles and merchandice brocht in be ſtrangers. Iam, 3, p, 14, c, 114.

Confeſſion of the Faith, and the chiefe heades and artickles thereof, Iam. 6, p, 1, c. 4, They quha profeſſis not the Religion, may not be judge, Procuratour, nor member of court. I. 6. p, 1. c. 9. All lawes, contrair the trew religion, ar abrogated. Iam, 6. p. 1. c. 31. All perſones having benefices, or ony portiones of benefices, or Eccleſiaſticall living, ſuld ſubſcrive the confeſſion of the faith. Iam, 6. parliam, 3, c. 46, & 47. Quha refuſis to ſubſcrive the ſaide confeſſion, ſuld be repute as rebelles, and not as faithfull ſubiectes. Iam. 6, p, 3, c, 47, Nor ſuld not bruik the benefite of the Lawes of this Realme. Iam, 6. p, 12, c, 123. All Scholers returning furth of vther Cuntries, ſuld giue Confeſſion of their faith, Iam, 6, p, 6, c. 71, Ia, 6, p. 7, c, 106. The profeſſoures of the Religion, ar receiued vnder the Queenis protection. Iam, 6. p. 1. c. 31. The Adverſaries of the Religion, and all perſones ſuſpected to haue declined therefra, returning to this Realme, ſuld ſubſcrive the religion, within fourtie daies, and ſuld not cum neere to the King within ſeuen miles. Ia. 6, p, 7, c, 106.

Confirmation of all Kirk landes ſet in few ferme, ſen the ſext day of March, 1558. is neceſſar, vtherwaies, the infeftment not being confirmed, is null. Mar. p. 9. c 77. Mar, p, 10, c, 88. Ia. 6. p, 9, c 7. The firſt confirmation of the laſt infeftment, prevailis to the laſt confirmation of the firſt infeftment. Iam. 6 p. 5, c, 66. Confirmation of the infeftmentes of the Kingis propertie, ſuld be ſubſcrived be the Comptroller, and paſſe his Regiſter, Iam. 6. p. 13. c. 171. Ia. 6 p. 12, c. 127, Confirmation of particular richtes, granted in the Parliament, haldē in the zeir of God, 1592. ſuld not prejudge particular mennis richtes. Iam. 6. p, 12, c, 130. Confirmations granted in parliament, *in anno* 1594, ar vnderſtand *ſalvo iure cuiuſlibet*. Iam. 6. p, 14, c, 215. Double Confirmations of Kirk landes, or vthers, ar diſcharged. Iam, 6, p, 5, c, 66. Confirmation of haill fewes, of onie Prelacie, ſuld not be given in great, Iam. 6 p, 11, c, 69, Confirmation of auld fewes ſubſcrived, and vnder the privie ſeale, is ſufficient. Iam, 6, p, 13, c, 187, How particular Confirmationes ſuld be maid in Parliament. Iam. 6. p, 15. c. 243.

Conjunct-fear conſentand to the alienation of the conjunct-fee, and makand faith never to cum in the contrair, ſal not be heard to impugne the ſaide alienation Ia, 3, p, 11. c, 83. Conjunct-fear or life renter, ſuld finde caution, that the conjunct fee landes, ſall not be waſted or deſtroyed. Ia. 4. parliam, 3, c, c. 25. Iam. 5. p, 4 c. 14. Ladies conjunct-feares, or life renters, ſuld furniſh after the quantitie of their living, artaillarie, ſik as hagbuttes, for ſupport of the proprietares. Iam, 5. p. 7 c. 94. Conjunct-feares and life-renters within burgh, ſuld repaire & big theauld & decayed tenements within burgh. I. 6, p, 14. c. 226,

Conſervatour with four Merchandes, is Iudge betuixt merchand and merchand, Scottes-men bezond the ſea, Iam, 4, p, 6. c, 81. He ſuld advertiſe the King of falſe cuinzie, Mar, p 9 c, 70. He ſuld receiue the aith of Scottes-men dwelland in the Law Cuntries and cauſe them pay for their entres 2. pounder Hemiſh to the King. Iam. 6. p. 6, c. 96. He ſuld receiue the aith of merchands, ſkippers & factoures, cummand to and fra the Law Cuntries to this realme. I. 6. p 15. c. 257. He ſuld eſcheit the gudes of vn-freemen, ſailland to the Law cuntries. I. 6. p 6. c. 97. Hee ſuld ſend hame zeirlie to the Theſaurar, the names of al merchandes ſailland contrair the actes of parliament. I, 5, p, 4, c, 23. He ſuld not admit vnlawful Cocquettes. I, 6, p, 15, c, 255. He ſuld take ane vnlaw of all merchandes not landand at the ordinar Staple. I, 6, p, 15, c. 258. He ſuld puniſh vſurers. Ia. 6, p, 15, c, 259. Hee ſuld ſend hame ane Cocquet of merchand gudes, in barked in the Law Cuntries, I, 6. p, 15, c, 260, He ſuld confiſcat all guds not conteined in the Cocquet. Ia, 6, p, 15, c, 255.

And of all perſones refuſand to mak aith with him lauu. 5. 15, ca, 257 *Cum ſeq.*

He or ane procuratour in his name ſuld cum hame zeirlie, Ia, 4, p. 6, c, 82, And ſall make compt of his intromiſſion to the Theſaurar. Iam. 6. p, 15, c. 253. *Cum ſeq.*

Conſtable ſuld not take diſtreſſe at Faires. Iam, 2, p, 13, c, 60. & 61, Ia, 3. p, 5. c. 33. He may not beare office within Burgh, Iam, 3, p, 5, c, 29,

Councell reſident with King Iames the Fourth, is ordained to remaine, having power of the Seſſion. Iam. 4, p, 6. c, 58, Iam, 4, p, 2, c, 12. The Kingis councell ſuld ſit the firſt day of ilk Moneth, vpon maters of Bordoures and Hie landes. Ia. 6. parl, 11, cap, 92.

Convocation within Burgh, and without the ſamin. Ia. 2. p, 14, c, 78. Mar, p, 9, c. 75. Ia, 1. p, 1, c, 5, I. 5 p. 4, c 27. Convocation of Craftes men is diſcharged, Ia. 1. p, 6, c, 85, All conventions, convocationes, and aſſemblies, in civill or Eccleſiaſticall cauſes, ar forbidden Iam, 1, p, 8, c. 131 Convocation is permitted in perſewing of thieues or Sorners, Ia. 6. p, 14: c, 227. *vide* Bardes. *vide* Courtes: *vide* Burrowes.

Cornes wilfully cutted or deſtroied, is puniſhed as theft Ia, 6, p. 11. c, 82, *vide* Theft: And burners thereof puniſhed to the death. Iam 5 p. 7 c. 118.

Courtes of Guerra ar diſcharged. Iam. 3 p. 8. c. 69.

Wardaine Courtes may be continued for three daies. Iam. 3, par. 12. c 86. Scribe of Court ſuld be Notar to all inſtrumentes, taken in Iudgement and court. Iam, 5. p, 6, c, 81, Courtes ſik as juſtice aires, Schireffe courtes, and all vther Spirituall and Temporall, ſuld be obſerved: And all perſones ſuld cum to them in quiet maner. Iam. 2. p. 14. c 83, Iam. 3. p. 14. c 104. Iam 6. p. 8. c. 140. And the Schireffe ſuld in time of court, grant Law-Burrowes to all cravers thereof. Iam, 2, p, 14, cap, 83. It is not neceſſar to continue Courtes, fra daye to day: For they ar lauchfull, vntill they ar diſſolved. Iam. 3 p. 5, c, 38, All free halders that aw ſute and preſence, ſuld be preſent, and quha aw bot ſute, may ſend ſutoures. Iam, 5, p, 6, Cap. 71, Courtes may be ſet be Temporall Iudges, upon fifteene daies, Iam, 5, parliament, 6, cap 72. Nane may bee member of onie Court, quha profeſſis not the Religion. Iam. 6 p, 1, Cap. 9, All Courtes Civill and Criminall, ſuld be ſenſed at elleven houres, before noone. Iames the Sext, Parliament, 11, Cap, 86.

All

All free-halders ſulde compeir perſonallie, or ſend their Acturneyes. Iam. 1, p. 9. c. 130. Al diſcharges of ſuit of court, giuen in the Kingis minoritie, ar reuoked, Iam. 6, p. 11. c. 31.

Craftes-men, their fees and prices of their warke, ſuld be ſene and priſed be the Magiſtrates of ilk town, the Wardaine and vthers, Iam. 1. p. 5. c. 78. c. 79. Iam. 1. p. 7. c. 102. Iam. 4, p. 5. c. 56. The wark not fulfilled be ane, may be perfited be ane vther Craftes-man: And na Craftes-man ſuld take mair warke in hande, nor he may fulfill. Iam. 1, p. 5. ca. 80. Iam, 4. p. 4, c, 43. Bot the awner of the warke may chooſe vthers, to end the ſamin. Iam. 5, par, 7. c. 111. Craftes-men may nocht ſaill nor vſe Merchandice. Iam. 3. p. 2. c. 12. Iam, 3, p. 14, c. 107. Ane of ilk Craft ſuld be choſen, quha ſuld haue voit in the election of the officiares within burgh. Iam, 3. p. 5. c. 29, Craftes-men ſuld not take Cuſtome fra vther Craftes-men. Iam, 4. p. 4. c. 42. They ſuld not take payment for Halie-daies. Iam. 4. p. 4. c, 43. Craftes-men ſuld haue na Deakon, bot ane viſitour: Of his election, aith, and office. Mar. p. 6. c 52. Craftes-men ſuld nocht beare office within Burgh: Bot twa of them ſuld be vpon the Councell. Mar, p, 6, c. 52. Craftes ſuld nocht be vſed within Suburbes, adjacent to Burrowes. Iam. 6. p. 12. c. 154, Craftes-men ſuld not make Conuocation with their Deakons. Iam. 1, p, 6. c. 85. Craftes-men hes voite of election of officiares within Burgh. Iam. 3. p. 5. c. 29. Craftes-men ſuld be conueened bee Proueſt and Baillies, and reaſonable prices put vpon their warke. Mar. p. 5. c. 23.

Creditoures ſuld perſew the executoures, and after zeir and daye, the heretour or air, for debt auchtand to them, *vide* Aires. Creditour quha denuncis his debtour rebell, is preferred to the King, anent the payment of his debt. Mar. p. 4. c. 7. Iam. 6. p. 7. c. 117. Iam. 6, p. 12. c. 145. Aſſignation, or ony vther diſpoſition, maid in defraud of Creditoures. Iam. 6. p. 12, c. 145.

Crowners ſuld arreiſt allanerlie them, quha ar given to himin portuous, be the juſtice Clerke. Ia. 1. p. 13. c. 139, They ſuld nocht take the Tenth pennie, fra them that findis Burrowes. Iam. 2 p. 6. c. 21. They may nocht at their awin hand, without concurrance of the Schireffe, intromet with gudes perteining to perſones conuict in the juſtice air. Iam. 3. p. 14. c, 102. The Crowner ſuld thoill ane aſſiſe, the laſt day of the juſtice aire. Iam. 3. p. 14. c. 103. He ſuld haue vn-ſchod warke horſe, perteinand to all perſones conuict, Iam. 3. p. 14 c. 113. How he ſuld arreiſt men nocht diſtreinzieable for the vn-law. Iam. 5. p. 3, c, 5. He may arreiſt fugitiues for crimes, at their dwelling places, and Paroch Kirk. Iam. 5. p. 4. c. 33. *vide* Arreiſtment. He ſuld ride throw the Cuntrie, with ane competent and eaſie number. Iam 2. p. 6. c. 21.

Cruves and zaires ar forbidden in freſh waters. Iam. 1. p. 1. c. 11, Iam 3. p, 10. c, 73. Iam, 5, p, 4, c, 16, Mar, p, 9. c, 68. Iam. 6. p. 6. c. 89. Commiſſion given to diuerſe perſones, to inquire and take vp dittaye, anent deſtruction of Cruves and zai s, ſlauchter of read fiſh, ſmoltes, and frie of read fiſh. Iam. 6. p 7. c. p. 111. They quha ar infeft with Cruves, lines, or lowpes in freſh waters, ſuld nocht be prejudged, they keipand the Setterdayes ſlop. Iam. 6. p. 7. c. 111.

Crimes may be perſewed at the Kingis inſtance allanerlie: Iam. 1, Par. 13. c, 140. Without conſent or contrair the will of the partie. Iam. 6. p. 11. c. 76. Crimes ar puniſhed be the King in proper perſon, without aſſiſtance of the Barronnes. Iam. 2. p, 3. c. 6. Malefactoures being juſtified, nane ſuld ſeeke reuenge thereof, *In vindictam legis*. Iam. 2. p. 6. c. 15. Crimes and malefactoures ſuld be repreſſed. Iam. 3. p. 13. c. 90. The three Eſtaites promiſed to puniſh malefactoures, and aſſiſt the King there intill. Iam. 3. p, 14. c. 98. Some crimes ſuld be firſt criminale, vthers firſt ciuile diſcuſſed. Iam. 5. p. 4. c. 33. All crimes, tranſgreſſiones, breaking, and contraueening of the Lawes, fra the firſt daye of March, the zeir of God, ane thouſand, fiue hundreth, fiftie aucht zeires, to the firſt day of September, the zeir of G O D, ane thouſand, fiue hundreth, ſextie ane zeir, ar put in Oblirion, remitted, and diſcharged. Mar. p. 9. c. 67. Landeſ-lordes and Baillies of landes, vpon the Bordoures and in the Hie-landes, ſuld finde caution to preſent their men committers of crimes to the juſtice, to vnderly the Law, and ſatiſfie the parties: Quhilk skaith ſalbe modified be the aith of the partie. Ia. 6. p. 11. c. 93, c: 107. All malefactoures ſuld bee preſented be the Landeſ-lordes, to the King or his juſtice. Ia. 6. p. 11. c. 103. Malefactoures fugitiue fra the law; they, their wiues & bairnes, may be remooued, and put furth be their Landeſ-lordes, and their houſes burnt. Iam, 6, p, 11, c, 108. He quha ſellis gudes perteining to malefactoures or thieues, ſuld be puniſhed. Iam. 6. p. 11, c, 109: In all criminall cauſes, all perſones compeirand in the Tol-buith, with the perſewer or defender, abone the number preſerived be the actes of Parliament, incontinent ſuld be denunced rebelles, and their moueables eſcheitted. I, 6, p, 8, c, 140.

Cum ſupplemento omnium defectuum: This clauſe conteined in onie inſeſtment, prejudgis not the thrid partie, bot onelie the ſuperiour, granter of the ſaid inſeſtment. Iam. 6. p. 12, c, 136,

Crimen Stellionatus, is to diſpone ane dewtie to twa ſindrie parties, Iam. 6. parlia. 12. c. 140. *vide* Alienation.

Cunninges ſtealers, or deſtroyers thereof: *vide* Wilde Beaſts. *vide* Dittay: *vide* Thieft. Cunningaires ſuld be maid be ilk Lord and Laird. Ia. 4. p. 6, c. 74. They ſuld nocht be deſtroyed. Iam. 6, parliam, 6, c, 84,

Cuinzie: *vide* Money.

Curatoures to quhom, be quhom, and in quhat maner they ſuld be given or diſcharged. Mar. p. 6. c. 35. The neareſt agnate or kinſman of the fathers ſide, ſuld be Curatour to fooles, idiotes, and furious perſones. Ia: 6. p, 10, c. 18,

Curſed perſones ſuld nocht remaine within the Kirk, the time of diuine ſeruice, Mar. p. 5. c. 18. The eſcheit of all gudes moueable of curſed perſones

perteinis to the King. Mar.p.4.c.7. Letters of caption ſuld be direct againſt curſed perſones. Iam. 2.p,6.cap,12. Iam,6,par,3,c.53. Letters of poynding ſuld be direct againſt them, quha lyis vnder the ſentence of curſing, attour the ſpace of fourtie daies, with letters of four formes and horning. Iam.5,p.4.c.8. Iam.5,p.4:c.35. *vide Excommunication.*

Cuſtomers ſuld receiue Caution fra Merchandes, for in-bringing of bullion. Iam.1,p.13.c.143. They ſulde make compt thereof in the Checker. Iames. 3.p.7.c.50. Iam.4.p.1.c.2. They ſuld accuſe the Proveſt and Baillies, anent the ſailling of merchandes, contrair the acties of Parliament. Iam. 5.p.4.c.23. They being negligent in their office, ſuld be deprived. Iam.4,p.5.c.55. They ſuld ſearch and ſeeke Cuſtomes of Engliſh gudes, baith to Burgh and land, and eſcheit all ſik vncuſtomed gudes. Iam.6.p.12.c.129. They ſuld ſearch Calfe ſkinnes, Huddrownes and Kid-ſkinnes, and ſtay the tranſporting thereof. Iam.6. p.12.c.155. Cuſtomable gudes may nocht be caried foorth of the Realme, vnder the paine of baniſhment. Iam.1.p.7.c.100. Falſe Cuſtomers committand fraud, or negligent in their offices, ſuld be puniſhed. Iam.6.p.11.c.89. Cuſtome ſuld be payed of al wares and merchandice brocht within this Realme. Iam.6.p.15.c:252, They ſuld compeir zeirlie in the Checker, and make faith, of their adminiſtration, and being founde negligent, ar puniſhed Iam.6.p.13.c.168. Cuſtomes perteinis to the King. Iam.1.p.1.c,8. The Cuſtomes of gold and ſilver. Iam.1.p1. cap. 15.c,16, Iam,1,p.3,c,49. Of horſe, Nolt, and Scheepe, and of herring. Iam,1.p.1.c.21. Of Mertrickes, and vther furringes, Iam.1.p,1:c.22. Of woollen claith, of Salmond, of Engliſh gudes, Iam.1.p.2.c.40. Iam.6.p,12:c.129. Of drinking beare, brocht hame within this Realme, Iam. 6.p.13.c.179: Cuſtome ſuld be payed of forbidden gudes, tranſported without licence, and brocht within this Realme. Iam 6 p.15.c.254. Cuſtome of Salmond, and all fiſh had out of the Realme, ſuld be payed be all in-dwellers within the Realme, and ſtrangers. Iam.1.p.5.c.76. Cuſtome ſuld not be taken be craftes men fra vthers, Iam.4: p,4,c.42, Cuſtomers ſuld take na mair Cuſtome, nor is permitted be the Law. Iam.4.p 4.c.46, And they ſuld make compt in the Checker, for the in-bringing of bullieon. Iam 4.p.5.c.55. And of the eſcheites of carriers away the Talloun. Ia.5.p 7.c. 123. They ſuld take caution for inbringing of bullieon. Ia,6,p 7.c.107. They ſuld take inquiſition anent fleſh caried away in Schippes for victualling. Iam.6,p.5.c.67, They ſuld haue ane Roll of all cuſtomable gudes. Iam,6.p.7,c.108 They ſuld mak ſearchoures, anent carying away of the Talloun. Iam.5.p.7.c,123. They ſuld take inquiſition of the victualling of the Schippes, paſſing to fiſhing, and take Caution for in-bringing of the thrid part of the herring and quhite fiſh, to free Portes of this Realme. Iam.6,p.11.c.57. Strangars merchands, paſſand furth of this Realme, ſuld pay cuſtomes, for all merchandice taken or ſent to the Sea. Ia:4.p.4'c.41. Cuſtomes and impoſition of victualles, cornes, and vther gudes cumming to mer cattes, free portes, or heavens, ar diſcharged and forbidden. Na cuſtomes ſuld be taken without ane warrand or title: that is according to the auld Law, and Actes of Parliament, or poſſeſſion paſt memorie of man. Iam.6.p.11.c,54. In defraud of the Kingis Cuſtomes, na man may houſe wooll, hide, ſkinnes in Leith, nor in vther places, without the Kingis Burrowes. Iam.4.p,6.c,88. Cuſtomers ſuld take the aith of merchandes and ſkippers, paſſand furth of this Realme, anent tranſporting of forbidden gudes and vthers, not conteined in Cockquette. Ia.6.p.15.c.257.

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Daue of Gild his juriſdiction is ratified. I.6.p.13.180 *Debt* confeſſed be the debtour, ſuld be payed within xv. daies, Ia.1.p.6.c.86. Debts auchtand be the defunct, ſuld be payed be the executour, within zeire and daye, and gif the moveables be nocht ſufficient to that effect the aire is eſtabliſhed to pay the remanent debtes. I.4.p,6,c.76, Debtes, ſik as fermes, auchtand conferme to ane auld met or meaſure, & it happen to be changed hereafter, the debt ſulde be payed be the new mett, proportionallie to the auld. Iam.4.p.6.c.96.

Decreeter and ſentences ſuld be put to execution bee Schireffes and officiares within Burgh, vtherwaies they become debtoures for the ſummes conteined therein, and the parties expenſes. Ia 4.p.3.c,30. I.5. p.5.c.58, For execution of all decreetes, letters of horning or poynding, ſuld be direct at the deſire of the partie. Iam.6.p.8.c.139 Suſpenſion of decreets, ſuld nocht bee granted, without offer be maid to the partie: And in-caſe of his refuſe, the ſumme conteined therein, to be conſigned. Ia 6.p.8.c.139. In ſuſpenſiones raiſed againſt the Theſaurar, funded vpon acquittances, the producer thereof, ſall make faith vpon the veritie of the acquittance. Ia.6 p.14 c, 209. Decreetes giuen *inter conciues* within Burgh, ſuld be execute be ane ſimple charge vpon ten daies. Ia 6,p,13,c,177,

Defender not compeirand, payis the expenſes of the partie, and ane vnlaw of fourtie ſhillinges to the judge. Ia,4,p,3,c,30. Iam,2,p,6.c.30. In ane ſummondes of errour, the Defender ſuld be ſummend, with certification. Ia,4,p,3,c,35 Ane multitude being innocentlie perſewed, the Theſaurar payis ten pounds or mair, and the expenſes of the Aſſiſe, at the diſcretion of the juſtice, and his Aſſiſours. Ia,5,p,4,c,34. The defender tynand the pley, payis fourtie ſhillinges to the Lords. And the expenſes to the partie. Ia,3 p.7.c 49. And within Burgh, he quha tinis the pley, payis xij. pennies for ilk pound, and gif he alleagis onie exception for delay of his partie, that was proponed of before, hee payis xx. ſhillings to the puir. I,6:p,6,c,91: Defender in criminall cauſes, ſuld haue with him at the Bar. ſex of his friendes allanerlie. Mar.p.6,c,41. Quhairin his procuratoures ar comprehended: And gif he compeiris with ane greater number, his ſoverte ſalbe vn-

lawed

lawed, and he decerned to be as fugitiue: And the moueable gudes perteinand to him, and the persons, *super-numerar* fuld be eſcheitted. I.6, p.8.c.140 The defender in criminall cauſes, ſuld not be prejudged, vntill he be lauchfullie tryed. I, 6, p.11.c. 90. The defender ſuld be clenged, if the accuſer or ony vther informis, ſolliſtis, reaſonis, diſputis, ſpeakis, or repairis to the aſſiſe, being removed and cloſed Iam. 6. p. 11. c, 91. Gif the defender ſlayis, hurtis, or invadis the perſewer, in-during the dependance of the pley, he tinis the pley. Ia, 6. p. 8 c, 138. Ia. 6. p, 14, c, 219. The defender againſt quhom ane decreete of liquidat ſummes is obteined, ſall paye twelue pennies for ilk pounde, and for ilk decreete conſiſtand in *facto*, ſall paye fiue poundes to the Lordes, and the expenſes to the partie. Iam. 6, par. 11. cap. 43.

Deforcement maid to the Kingis officiar, in execution of the Kings letters: The Schireſſe delayand or refuſand to concurre with him: The barronnes ſuld aſſiſt, aſſiſt, and ſet forward the ſaid officiar, Iam. 6 p 6, c, 75. Deforcement ſuld be ſummarlie decided, and the paine thereof. Iam, 6 p, 7. c. 117. Iam. 6. p. 12, c, 150, Deforcers of the Kings officiares may be perſewed ciuilie, or criminallie, and puniſhed at the Kingis will. Ia. 6 p. 11. c, 84. Ia. 6, p, 12, c, 150.

Degrees permitted and forbidden in mariage: *vide* Mariage.

Dae, *Rae* and Deere ſtealers, *vide* Dittay, *vide* Thieft: Na man ſulde ſchuite at them, vnder the paine of death, and eſcheit of all his moueables, Mar. p, 4, c, 9, Iam. 4, p, 6, c, 69. Iam, 6, p. 15, c, 266.

Dearth, *vide* Victual, *vide* Cleething: *vide* Banquettes.

Deakones of ilk craft choſen, to governe and aſſay all warkes, maid be the Craftes-men Iam, 1. p, 2, c, 39, They haue na correction, ouer the men of the craft but onely to trye the ſufficiencie of the warke, and the woorker, Ia, 1, p. 6, c, 77, They ar diſcharged in all time cumming. Iam, 1, p, 6, c, 85 And ane Wardaine choſen, to examine ilk wark-manſhip, and ſet ane price thereupon. Iam, 1, p, 7 c. 102. They ar diſcharged for ane zeir of their office, Iam, 4, p, 4, c. 43, And viſitours choſen in their places. Mar, p, 6, c, 52: Deakonnes of gold-ſmithes: *vide* Gold-ſmithes: Malt-man ſuld haue na Deakonne. Iam. 6, p, 1, c, 29. The commoun gude of Burrowes ſuld be ſpended, with conſent of the Deakonnes of craftes. Iam. 4, p, 3, c, 36,

Depute: Ilk judge ſuld anſweare for his depute, Iam, 3, p, 5, c. 26. Gif the principall judge havand his office in heritage, is not ſufficient to miniſter juſtice in proper perſon, vthers ſuld be depute in his place, al judges heretable ſuld haue deputes, I, 1, p, 1. c, 6. Deputes ſuld be gud, and wiſe ſubſtantious men, of beſt fame, knawledge, vnderſtanding, and experience, and ſuld be ſworne zeirlie in ilk head court. Iam, 5, p, 6. c, 73. Iam, 6, p, 12. c. 124, They ſuld be examined and admitted be the Lordes of Seſſion, Iam. 6, p, 12, c, 124,

Diſſolution of the Kingis propertie, maid in his minoritie is null. Iam, 6, p. 14, c, 203, Diſſolution being maid be onie King of his propertie, for ſetting the ſamin in few-ferme, his Succeſſoures may make na diſpoſition thereof, be reaſon of the ſaid diſſolution: Becauſe all ſik diſſolutiones induris allanerlie, the life time of the maker thereof. Iam. 4. p, 6. c. 90. Diſſolution of the Kingis propertie, quhairby the maker thereof may ſet in few ferme his protie alſweill annexed, as vn-annexed, Iam. 2, p. 14, c. 72. Iam. 4. p. 6. c. 90. Iam. 5, p. 7, c. 116. Iam, 6. p, 9, c, 6, Iam, 6, p, 14, c. 204, Iam. 6. p, 11, c, 30, c, 29. Diſſolution of the Temporalitie of Kirk-landes. Iam. 6. p. 11. c. 29.

Dittay, All Actes conteining Dittay, ſuld be extracted be the juſtice Clerke. Iam 4, p. 4. c. 45. Dittay ſuld not be reuealed, nor altered be the Clerkes, Iam. 2, p, 6, c, 28. Dittay ſuld be taken vp be the Kingis Commiſſioners, depute to that effect, in ilk Schireſſedome. Iam, 6, p. 11, c, 81. Giver vp of Dittay vpon ane vther, ſuld not be vpon his aſſiſe. Iam. 1. p, 3, c, 50. Dittay ſuld be taken vpon ſlayers of Salmond in forbidden time. Iam: 1, p, 1, c, 10. Iam. 1, p, 2, c, 35, Iam, 2, p, 5. c. 9 Vpon ſtealers of greene woodde: Of fruite, Cunninges, dowes, pellers of trees, breakers of Orchardes, and deſtroyers of wooddes. Iam, 1. p, 2. c, 33. And ſtealers, ſlayers of hart, hinde, Dae, Rae, & Deere. Iam, 1, p, 2, c, 36. Slayers of Partrickes, plovers, Black-cocke, Gray-hennes, mure cockes. Iam 1. p. 8, c, 108, Iam, 3, p, 7, c, 59, Vſers of wrang meaſures: Iam, 2, p, 14, c, 74. Slayers of read-fiſh in forbidden time. Iam, 2. p, 14. c, 86, Slayers of Hares in time of Snaw, and deſtroyers of of Cunninges, Iam, 2, p, 14, c, 89, Cariers of money furth of the Realme. Iam, 3, p, 1, c, 8, Slayers of Daes, Raes, & Deere, in time of ſtorme, or Snaw: Hunters, ſchutters, or ſlayers of Deere or Raes, in vther mennis Parkes: Takers of Cunnings furth of Cunningaires, of Dowes furth of Dowcattes, of fiſh out of pondes or ſtankes. Iam. 3. p. 7. c. 60. Keipers of cruves and zaires. Iam, 3, p, 10, c. 73, Iam, 4. p, 2. c. 15. Ferriers takand over-meikle traucht. Iam, 3, p, 10, c, 74. Iam. 3. p. 13. c. 95. Makers and vſers of ane wrang binde of Salmond. Iam. 3. p. 10. c, 76, Sorners and maiſterfull Beggers. Iam. 3, p, 10, c, 77, Iam, 5, p. 4. c. 21. Takers and intrometters with Kirk-landes, teindes, obligationes, profites, dewties of the Kirk, without tack or conſent of the perſon, or other awner, Ia, 4, p 2. c, 7: Dittay ſuld be taken vp, vpon the Schireſes nocht deſtroying cruves or zaires, and on Millers, quha ſettis creilles and nettes in dammes, Iam. 4. p. 2. c. 15. Takers of Cowpes in Galloway or Carrik: Iam: 4: p: 2: c: 18: c: 19: Vpon al the lieges, quha being required, aſſiſtis nocht the juſtice in his aires. Iam. 4. p. 3, c, 29. Vpon Burgeſſes makand convocation, without commande of their officiares, or makand bands, or ridand in feir of weir, with ony man, except the king & their awin officiares, or oppreſſing their nichtbour, or diſobedient to their officiares. I. 4 p 3. c. 34. Craftes-men takand cuſtome fra vther craftes-men. I. 4p, 4. c. 42. Craftesmen takand Fee for halie day, and beginnand ane warke, and nocht ſufferand ane vther to ende it. Iames the Fourth, parliament 4. cap. 43.

Cuſtomers takand mair cuſtome then is leaſum of the Law. Iam. 4. p. 4. c. 46. Vſers and commanders of Mure-burne. Iam. 4. p. 4. c. 48. Iam. 5. p. 4. c. 10. Vſers of falſe weichtes and meaſures. Iam. 4. p. 4. c. 46. Cowpers quha makis wrang binde and meaſure of Salmond, Iam. 4. p. 4. c. 52. Steillers of Pykes out of ſtankes, breakers of dowcattes, orchardes, or zairdes, ſtealers of Hindes, ſlayers of paſked deare, Raes, Rae buckes, within mennis proper wooddes. Iam. 4. p. 6. c. 69. Troublers of Magiſtrates within Burgh, vſand their priuiledge. Iam. 5. p. 4. c. 26. Vpon all Iudges and officiares, quha dois not diligence to ſearch and apprehend rebelles Iam. 5. p. 7. c. 97, Vpon wilfull receipters, ſuppliars, mainteiners, defenders, and favourers of rebelles. Iam. 5. p. 7. c. 97. Slayers of black fiſh, Smoltes, cutters of greene woodde. Iam. 6. p. 1. c. 30.

Quhair anent ſpeciall Commiſſion is given, for puniſhment of the contraveeners. Iam. 6. parli. 7. c. 111 Vpon Earles, Lordes, Barronnes, alſweill within Regalitie, as Royaltie, and officiares within Burgh, that executis not the Actes, maid anent the prices of victualles, and all ſtuffe. Iam. 6. p. 7. c. 121. Vpon halders of horſe at hard meate in forbidden time. Iam, 6. p. 7. c. 122. Troublers of the Kirk, raiſers of tumulte or affray in Kirk or Kirk-zaird, the time of the divine ſeruice. Iam. 6. p. 11. c. 27.

Vpon officiares of armes, quha alters or puttis out or in the names of the perſones ſummond be them Iam. 6 p. 11. c. 88. Takers vp, and payers of blackmaill. Ia. 6. p. 11. c. 102. Vpon Scottes Bordourers mariand Engliſh weemen Bordourers. Iam. 6 par. 11, c. 104. Slayers of wilde-fowles, or beaſtes, within the Kingis Wooddes, or cutters of Timber, or greene woodde. Iames 6. parliament. 14. ca. 210.

Divorcement or diſſolution of Mariage: *vide* Mariage.

Doome falſing, and maner thereof. Iam. 1. pa. 9. c. 116. Iam. 3. p. 6. c. 41. The judge, proceſſe, and time within the quhilk the ſame ſuld be falſed, Iam. 4. p. 6. c. 95. The wordes of falſing of doomes, and and forme thereof. Iam. 4. p. 6. c. 99.

Double Alienationes & Confirmations: *vide* Alienation: and Confirmation.

Double poynding. *vide* Poynding.

Dowes, Dowcattes, ane deſtroyers thereof. *vide* wilde Beaſts *vide* Dittay, *vide* Thieft. I. 6. p. 1. c. 16. I. 6, p. 6 c 84. Iam 6 p. 15. c. 266. Dowcattes ſuld be bigged be ilk Lord and Laird. Iam. 4. parlia. 6, cap. 74.

Dumfermeling, and the Landes thereof, vpon the North ſide of the Water of Forth, is annexed to the Crowne. And the ſamin with the Monkes portiones thereof, is diſponed to the Queene. Ia. 6. p. 13. c. 189. c. 191.

E.

Edinburgh, the meale mercat thereof ſuld be removed off the Hie gate. I. 5. p. 7. c. 103. Vpon mercat daies of Edinburgh, all the Kingis liegis may ſell bread and fleſh. Iam. 5. p. 7. c. 121, c. 122.

The Magiſtrates of Edinburgh, may take malefactoures, ſtay tumultes and trouble within their Burgh. Ia, 6. p. 13. c. 184. Annuall-rentes lands and vthers diſponed to Edinburgh. Iam. 6 p. 12. cap. 159. All inſeſtunentes and diſpoſitiones granted in prejudice of the richt maid to the Burgh of Edinburgh, of their landes, annuall-rentes, tenementes, and vthers diſponed unto them, ar annulled and diſcharged. Iam. 6. p. 13. c. 185. The Proveſt, Baillies, and Councell of Edinburgh, ſuld cauſe big the Weſt ſide of Leith wynde. Iam. 5. p. 7 c. 102. They ſuld make ſtatutes, anent ſtuffe, & prices of craftes-mannis warke, and ſpeciallie of victuall and Salt. Iam. 5. p. 4. c. 29.

Egyptians. falſe diſſimulat thieues ſuld be taken & put in waird be the Schireffes and vther judges. Iam. 6. p. 12. c. 124. c. 147.

Ejectiones, ſpuilzie, wrangeous intromiſſion, is nocht committed be them quha intromettis with the Kingis propertie, conforme to the Actes of Parliament. Iam. 6. p. 14. c. 203. Caution ſuld be found in all actiones of ejection, for the profites, as in actiones of removeing. Iam. 6. p. 14. c. 217. Preſcriptiones of ejectiones, *vide* Preſcription.

Elne ſuld conteine threttie ſeven inch. Iam. 1. p. 4. c. 68. *vide* Meaſure.

Erection of Kirk-landes, and teindes in Temporall Lordſhippes ar forbidden and annulled. Iam. 6. p. 12. c. 119. And ſpeciallie all Erectiones, granted ſen the 29. day of Iulij, the zeir of God, ane thouſand, fiue hundreth, auchtie ſeuen zeires, Iam, 6, p, 14, c, 195.

Ernes and vther fowles of rieſe ſuld be deſtroyed. *vide* Fowles of rieſe.

Eſcheittes fallen in the Kingis hande, the creditour is preferred to him, anent payment of the debtes. Mar. p 4. c, 7. Iam. 6. p. 6. c. 75. Iam. 6, p, 12: c. 143. The eſcheit is null, except the offendour be firſt denunced rebell, before the gift thereof. Iam. 6 p. 1. c. 23. Eſcheittes of rebelles, ſuld be taken vp be the Theſaurar to the Kingis vſe. Iam. 6. p, 6. c. 75, They ſuld be given to reſponſall perſones, quha may ſatiſfie the partie, vther-waies the gift is null. Iam. 6. p. 12. c. 145. The eſcheittes of contraveeneis of the Actes of Parliament, anent cruves, zaires ſlaying of read fiſh, perteinis to the King. And within Regalitie, the King hes richt to the twa part therof. Iam, 6, p, 6, c. 89 All eſcheittes, for the breaking of arreiſtmentes or deforcements, ſuld contein reſervation of the debt, auchtand to the creditour. Iam. 6. p 7. c. 117. The Schireffe ſuld make compt in the Checker of all eſcheittes taken vp be him. Iam. 6. P. 11. c. 74. Iam. 6. p. 12. c. 124. And ſuld bring and deliver to the King and his Theſaurar, the eſchéit gudes and geare, of perſons convict before the juſtice. Iam. 3. p. 14. c. 102. The eſcheit of him quha is fugitiue fra the Lawe in criminall cauſes, may bee taken vp, be reaſon of denuntiation of horning, maid at the mercat croce of Edinburgh. Iam. 6 par. 12. c. 126. All Aſſignationes maid be onie man being rebell, And all giftes of eſcheit, aſſignation or vther richt, proceeding there.

rebell: And all giftes of eſcheit, aſſignation or vther richt proceeding thereſra, maid in favour of the rebell, and def. and of the Creditour, ar null, gif the rebell remaine at the horne, or continuis in poſſeſſion. Iam. 6. p. 12. c. 145. Eſcheittes of Papiſtes, rebelles, fearing excommunication given to their bairnes, or vther conjunct perſones, ar null, gif the ſaidis rebelles remainis in poſſeſſion. Iam. 6. p. 14, c. 197.

Eſſoinzie or excuſation, ſuld not be admitted, except the proponer thereof haue ane Procuratorie to that effect. Eſſoinzie of ſeiknesſe, ſuld be prouen be the Paroch Prieſt, and twa witneſſes. Iam. 1. p. 9, c. 114.

Exceptiones lauchfull, ſuld be admitted, and frivolous repelled. Iam. 1. p. 3. c. 55. Na exception availis a-againſt the Kingis Brieues. Iam. 1. p. 9. c. 113. Relevant exceptiones, contrair the brieue of inqueſt. Iam. 4. p. 6. c. 94. Dilatour exceptiones ſuld be propouned at twa times. Iam. 5. p. 5. c. 67. Exceptiones being admitted to probation: the Lords may declare the maner of probation thereof. Mar. 5, 7. c. 63. The partie or Procuratour, proponand exceptiones, proponed of before, ſall pay twentie ſhillinges. Iam. 6. p. 6. c. 91. Exceptiones dilatour ſuld not be admitted, contrair the ſummondes of recent ſpuilzie, lauchfullie indorſat. Iam. 4. p. 6, c. 65. Exceptions proponed againſt widowes, ſeiking ane reaſonable tierce, bearing that they were not lauchfull wiues to the defunct, ſtoppis not the brieue, Iam. 4, p. 6 c 77.

Excommunication ſuld be pronunced againſt obſtinat Papiſtes, and vthers refuſand to communicate with the Sacramentes, and all Apoſtates. Iam. 6. p. 3. cap. 45. Excommunicate perſones may be denunced rebelles, and letters of Caption and vther executorialles direct againſt them. Iam. 6. p. 3. c. 53. Iam. 2 p. 6. c. 12 Ia. 5. p 4. c. 8. Excommunicat perſons entring in the Kirk, may be put in priſon, vntill they ſatiſfie the Kirk. Iam. 6. p. 11. c. 27. The eſcheit of Rebelles, and excommunicate perſones giuen to conjunct perſones, is null, gif the rebell remained in poſſeſſion. Iam. 6. parha. 14. ca. 197. *vide* Curſing.

Executour ſuld be reſponſall to the creditour, within zeir and day, and ſuld make the compt at the end of the zeir, and finde caution to the air, that the free gudes reſtand attour the compt, ſalbe fourth cummand to him, for reliefe of his heritage. Ia. 4. p. 6. c. 76. Quhen ony minor dies in-teſtat, that may not mak t ſtament, his gudes ſuld be given to the neareſt of his kin. Iam. 5. p 7. c. 120.

Expenſes of proceſſe ſuld be payed bee him quha tinis the pley. Iam 5. p. 7. c. 110. Ia. 6. p, 11. c. 43. And the ſame expenſes ſuld be contained in the principall decreete. Mar. P. 7. c. 64. The defender ſummoned, and not compeirand, payis the expenſes to the partie, and ane vn-law of fourtie ſhillinges to the judge. Iam. 4 p 3. c. 30 Quhilk paine is likewiſe injoyned to the perſewer, quha compeiris not to perſew Iam. 4. P. 3. c. 35. The tiner of the pley within Burgh, payis twelue pennies for ilk pound: Iam 6. P, 6. c 91. Expenſes of him quha is accuſed and clenged before the juſtice, may be modified before the judge and his deputes. Iam. 6. P. 11. c. 87. The expenſes of pley ſuld be modified be all judges, in favours of the defender abſolved, to be payed be the perſewer. Iam. 6. p. 12. c. 142. The expenſes of the Lordes of Seſſion, in the time of king Iames the Firſt, was payed be the parties founden faultiſe, or of their vnlawes, or vtherwaies, as pleaſis the King. Iam: 1. p. 3. c, 65. The Schirefſe poynding, conforme to ane decreete; ſuld haue twelue pennies for ilk pound. Iam, 4, p. 6. c. 66. The expenſes or price of proces, extracted and delivered to the partie, is four pennies for ilk acte Iam. 4. p. 6. c. 67. Expenſes of the officiares, clerkes, and vthers in iuſtice courtes, ſuld be taken vp of the reddieſt of the eſcheittes, and vnlawes thereof Iam. 6 P. 14. c, 227.

Extent baith new (quhilk is *nune*) and auld (quhilk is *tempore pacis*) of lands, ſuld be conteined in the retour. *vide* Retour: The new extent to the quhilk the Kingis properties retoured, or may be retoured, is the juſt awaill or rentall, for the quhilk the landes may bee ſet in few-ferme. Iam. 6. par. 9. Cap. 6.

F

Faires, diſtreſſe ſuld not be taken be Schireffes or Conſtables in Faires. I. 2 P. 13. c. 60. c. 61 1, 3, P, 5. c 33. Faires ſuld not be halden vpon Halie-daies Iam. 3. p. 5. ca. 34. Faires or mercattes ſuld not be halden, vpon Halie daies, within Kirk or Kirk-zaird. Iam, 4, P, 6, c, 83. Iam, 6, P, 6, c, 70. Ia. 6. P. 12, c. 122. Iam. 6. Par. 13, cap, 159 Beiff and Mutton ſuld bee brocht to the mercat, with skinne and birne. Mar, p, 9 cap. 85 Ane mercat day granted to the Burgh of Aberdene Iam, 6, P, 13, c, 186.

Falſe Aſſiſours ar puniſhed be reduction of the retour, and puniſhment of them in their gudes and bodies. Iam, 3. p, 6 c, 47, Falſe money, or money of evill ſtuffe, ſuld be clipped be the officiares within Burgh Iam: 4. P. 4. c 40. Iam. 5. P. 7. c. 124, Iam. 6, P. 1. c. 19. The reward of revealers of falſe cuinzie. Mar, P, 9. cap. 70. Falſe inſtrumentes makers thereof, or counſellers of them to be maid, or vſers of the ſamin wittinglie ſuld be puniſhed: Iames the Fifth. Parliament 6. Cap, 80. Falſe Notars, and vſers of falſe inſtrumentes wittinglie, ſuld be puniſhed, Iam, 4, p, 6, c, 64. Iam. 5, P. 6, Cap, 80. And likewaies, makers, ſeinziers, ſeducers, corrupters, and falſifiers of inſturments, or ony writ or evident Mar. Parliament 5. Cap, 22, Marie, Parliament 6. Cap. 44: Falſe weichtes and meaſures. Iames 4. Parliament 4. Cap. 47. Falſe witneſſe, and all quha inducis onie man to beare falſe witneſſing, ſuld bee puniſhed. Iam. 5. Parliament 6. Cap, 80. Marie Parliamente 6, Cap. 48.

Famous Libelles and buikes, ſuld not be brocht hame, vnder the paine of baniſhment, and confiſcation of all moveable gudes. Iam.6.p.7.c.106. Evill ſpeakers of the Queene. Mar.p.6 c,60. Speakers or writers, to the reproch and ſclander of the Kingis perſon, eſtaite, governement, or Lawes, ſuld be puniſhed to the death. Iam.6.p.10.c.10.

Ferriers ſuld haue brigges. Iam.1.p.3.c.59. Iam.3.p.3.c.20. How meikle fraucht ſuld be payed to Ferriers. Iam.3.p.7.c.61. Iam.3.p.10.c.74. Iam.3.p.13.c.95. Mar.p.5,c.21.

Few-ferme of Kirk landes, ſuld be confirmed. Mar.p.9.c.77. Mar.p,10.c.88. Few-ferme may be ſet be the King and all his ſubjectes, and the lands fallen in warde in the Kings handes, the tennentes ſall not be remooved therefra. Iam.2.p.14.c.72. King Iames the Fourth, micht haue ſet his propertie in few-ferme, as all vther Kingis micht, and may do the ſame, after lauchfull diſſolution thereof: *vide* Diſſolution. The King may ſet in few-ferme, all Kirk landes nocht ſet before the Annexation, or cummand in his handes be reduction. Iam.6 p.11.c.29. All fewes may be annulled, for none-payment of the few-ferme dewty. Iam.6.p.15,c.246. Fewers of the Kirk landes, annexed to the Crowne, ſall bruik their landes, fewes and tennendries, free halden of the King, conforme to their infeftimentes. Iam.6. p.11.c.29. All diſpoſitiones of few-ferme dewties ſet in few ferme, bee the King, called *feudi firmæ*, *feud firmarum* at revoked. Iames.6. parliament, 11.cap,31. And ar null and of nane availe. Iam.6.p.15.c.239.

Fiſh ſuld haue ane certaine meaſure and binde. Iam 5, P.7,c,109, Iam,6,p,4,c,57, Fiſh ſuld not bee bocht be ſtrangers, bot ſalted and barrelled. Iam.4. p.1.c 3. Fiſh ſuld not be bought nor ſaulde in mercat, quhill ellewin houres, quhite fiſh caried foorth of the Realme. Iam.5.P,7,c,98. Fiſh-ſtealers: *vide* Thieft. Fiſheis in Loch-Fine, and vther iles in the North, ſulde pay na Cuſtome to the inhabitantes dwelland thereby. Mar.p.6.c. 54, Quhite fiſh ſuld be brocht to the Free Portes of this Realme. Iam.6.p.4,c,60, Iam,6 p.6, c.86, Iam,6.p,10.c,14. Iam,6 p,8.c.141. At the leaſt the thrid parte thereof. Iam.6.p,11,c, 57. Fiſh ſuld not be ſauld to ſtrangers, or vnfree men. Iam.6.p.8.c 141. Nor to na *Engliſh*-men. Iam.5.p,4,c,19. Fiſh ſuld not be taken out of vther mennis ſtanekes, without their licence. *vide* Dittay. *vide* Thieft.

Firlot, meaſure, or quantitie thereof. Iam,1 p.4.c,70. Iam.2.p 14.c.74, *vide* meaſure.

Firſt zeires fruites of benefices: *vide* Miniſters: *vide Patron*.

Flanders, Merchandes ſuld ſaill thereto, bot twiſe in the zeir. *vide* Schippes. Scottes men dwelland in the Law Cuntries, ſuld make their aith of obedience to the King, before the Conſervatour, and ilk ane of them for his entreſſe, ſuld paye to the King ten poundes Flemiſh: Vn-free men ſuld not ſaill to the Law Cuntries. Iam 6 p,6,c,96,

Fleſh may be ſauld in Edinburgh, be all the Kingis lieges vpon mercat daies, Iam,5,P.7 c,122, Fleſh ſu'd not be eaten in Lentron, and vther forbidden times, vnder the paine of eſcheit of all gudes moveable, Mar.p.6.c.36. Iam.6.p.9.c.5 And na licence ſuld be granted without compoſition, Iam.6.p.11.c.58. Iam.6.p.14.c.221. Fleſh ſuld not be caried furth of the Realme. Mar.p 6.c.40. In Schippes, vnder the colour of victuall. Iam,6. p.5.c,67.

Forbidden gudes, ſik as linnen claith, Linged ſeede, maid Candell, talloun, eating butter, cheeſe, Barked hides: Maid ſchoone, ſuld not be tranſported foorth of the Realme. Iam.6.p.4.c.59. Licence for tranſporting of forbidden guds, not ſubſcrived be the Comptroller, is null. Iam.6.p.10.c.15. Al ſik licences, ſuld be ſubſcriued be the Theſaurar, & regiſtred in his buiks, and therewith he ſuld charge him in his compts. Iam.6.p.12.c.126. Licence granted, or to be granted, anent tranſporting of wooll, nolt, and Scheepe in England, is diſcharged, Iam.6.p.12.c.149. Iam.6 p.11.c.55. The Theſaurar ſulde cauſe the Actes maid anent forbidden gudes, to be put to execution. Iam.6.p.9. c.9. Forbidden gudes, tranſported with the Kingis licence, ſuld pay Cuſtome. Iam.6.p.15,cap, 254.

Forefaltour of the Earledome of March. Iam.1. p.12 c.135. Alienationes maid be all perſones forefalted, for the murther of the Kingis Father, and twa Regentes, ar null. Iam. 6.p.5.c.65. Iam.6. p.2.c.36. The ſuperiour being forefalted, the vaſſall being obedient, ſall not tine his tennandrie. Iam.6.p.2.c.37. Quhilk is annulled and diſcharged. Iam.6,p,14,ca,201. All landes and poſſeſſiones of all perſones convict of treaſon, halden immediatlie of the King, perteinis to him as propertie to the Crowne. And the King may diſpone landes halden of onie his ſubjectes, be preſentation of ane tennent to the ſuperiour: And likewiſe, the tackes and poſſeſſions of teinds and landes, bruiked be perſones before their conviction, ſuld perteine to the King, after the conviction. Iam.6.p.9.c 2. Fiue zeires poſſeſſion of perſones, as heretable poſſeſſour, forefalted for treaſon, is ſufficient ſecuritie to the King, after the doome of forefaltour, the ſaid poſſeſſion being tryed be ane aſſiſe, and retoured to the Chancellarie. Iam.6.p.9.c.2. Proceſſe of forefaltour, ſuld not be reduced for nullitie of proceſſe. All reſtitutiones ſuld be granted be way of Grace. Na Procuratoures ſuld giue counſel, or aſſiſt in reductiones of forefaltour, without licence. Iam.6.parl.8.Cap. 135. All diſpoſitiones maid be forefalted perſones ar null, quhilkis ar not confirmed be the King, or authorized be ane decreete of ane Ordinar judge, before the citation: Iam.6.p.14. cap. 202. All diſpoſitiones maid in the Kingis minoritie of landes cum in his handes be forefaltour, ar revoked. Iam,6.p,11.c.31.

Fornicatours being convict, ſuld be puniſhed. Iam.6. p.1.c.13.

Foreſtallers quha byis victuall or vther ſtuffe, before it be preſented to the mercat, or in the mercat, before lauchful time, ſuld be puniſhed. Iam.5 p.4 c,20. Fore-ſtallers within Burgh, ſuld bee puni-

Punished be the officiares of the Burgh. Iam.5.p.7.c.113. Iam.6.p.6.c.88. Quha ar foreſtallers and regraters, how they ſalbe puniſhed, and paine thereof. Iam.6.p.12.c.148.

Forreſtes, quha claimis offices thereof, ſuld ſchaw his richt and titles to the King. All cattell and gudes apprehended within the Kingis Foreſtes, or in ony hained wooddes or Forreſtes, perteining to barronnes or landed men, may be eſcheitted, and the negligent tinis his office, Ia.5,p.4.c.11. Forreſtes ſuld not be deſtroyed. Iam.6.p.6.c.84, Forreſtes and wooddes ſuld be planted. Iam.5,p.4.c.9. Kingis Forreſtes: *vide* Comptroller.

Fore-thocht-fellonie ſuld be tryed be aſſiſe, and puniſhed, Iam.1,p.3,c,51. Iam.1.p.6.c.95.c.96. Suld not be defended be the Girth, bot the treſpaſſour ſall thoill ane aſſiſe, and being convict ſalbe puniſhed. Iam.3.p.5.c.35: *vide* Girth.

Forfar, ane mercat vpon Fryday oulklie is granted to it. Iam.6.p.13.c.192:

France the confederance, there with is confirmed. Iam.4.p,3.c.23. French men hes ſindrie priviledges within the Realme of Scotland, Mar.p.8.c.65. And ſik like Scotteſ-men, within France. Mar.p,8.c.66.

Friers lands may not be diſponed nor given, bot to the ſuſtentation of the Miniſters, and the Kingis effaires. Ia.6,p.12.c.121.

Fuiles, or feinzied fuiles: *vide* Sorners.

Fruite, and ſtealers thereof, *vide* Dittay.

Fugitiue for ſlauchter: *vide* Slauchter: Fugitiue fra the the King and his Lieu-tennent, ſuld be puniſhed as notorious rebelles. Iam.1.p.8.c.110. Malefactoures fugitiue fra the Law, may be remooved, eiected be their Landeſ-lord, and their houſes burnt. Iam,6,p.11.c.108. Quha findis ſovertie to vnderly the Law within ſex daies, and compeiris not, bot is fugitiue, he may be denunced rebell at the mercat croce of Edinburgh: Quhilk denunciation, is ſufficient to intromet with his eſcheit. Iam.6.p.12.c,126. Fugitiues for ſpuilzieing and perturbing of the Kirk and Kirkmen, havand na Landes nor gudes, ſuld be denunced rebelles, vtherwaies their landes and gudes ſuld be compriſed. Iam. 2.p,6.c.12. The ſervand being fugitiue fra his maiſters ſervice, ſuld be skurged and burnt in the eare Iam.6.p.6.cap,74.

Fowles of rieſe, ſik as Ruikes, Crawes, Ernes, Biſſettes, Gleddes, Nuttalles, ſuld be deſtroyed. Ia.2.p.14.c.85.

Furious-men, naturall fuiles, Idiotes, or woodde-men, annaliand their landes, ar reſtored, and the alienation retreated. Iam.3.p.8.c.66.

Fute-ball and Golfe forbidden. Iam.1.p.1.c.17. and puniſhed be the Barronnes vn-law. Iam,2,p.14,cap.65, Becauſe they ar vn-profitable ſports, and not profitable for the commoun gude of the Realme, and defenſe thereof. Iam.4.p.3.c.32.

Fyre, ſindrie ordinances for eſchewing of fire, and burning. Iam.1.p.4,c.71.c.72.c.75. Quha burnis folkes in their houſes, cornes, or raiſis fire wilfullie. committis treaſon, except it be in perſewing of thieues or rebelles. Ia. 6.p.1.c.33, Iam,5,p,7,c.118. *vide* Cornes. Iam.5.p.3.c.*vlt*.

G.

Gallies ſuld be maid be Barronnes. Iam.1.p.9.c.126.

Gleddes and vther fowles of rieſe ſuld be deſtroyed. *vide* Fowles of rieſe.

Gleebes and Manſes ſuld not bee ſet in few, or lang tackes, without the Kingis licence. The Manſe of the perſon or Vicar, pertenis to the Miniſter. Mar. p.9,c.72. Quhilk is vnderſtand, of the Perſon or Vicars manſe, maiſt eweſt to the Kirk. And of four akers of land, at the leaſt of the gleebe, ly and maiſt eweſt to the ſaid manſe. Iam.6.p.3.cap. 48, Gleebe may be deſigned furth of ony Kirk land, with paſturage, faill, and deuatte, and vther commodities. Iam.6.p,13.c.161. The ſewers and poſſeſſoures of the landes, out of the quhilk the manſe and gleebes ar deſigned, ſuld haue their reliefe of the remanent ſewers and poſſeſſoures of Kirk landes, within the ſamin Paroch, *pro rata*. Ia. 6,p,14,c,199. Manſe and Gleebes in Cathedrall, and Abbay Kirkes. Iam 6,p,12.c,116. Gleebes perteining to Miniſters, ſuld pay na teindes, Iam.6.p. 5,c.62. Gleebes and manſe ar not conteined in the annexation of Kirk-landes to the Crowne. Iam.6.p.11.c.29.

Gold or ſilver vn-cuſtomed, ſuld not be caried furth of Realme. Iam,1.p.1.c.15.c.16. Iam.1.p,3,c.49, Iam. 1,p,13,c.148. Iam.2,p,8,c.34. Iam.3.parlia.8. cap. 64. Vnder the paine of eſcheitting there of, and all moveables perteining to the carier. Mar, p,9,c,69. The reward of him quha reueallis the carrieing away of gold and ſilver, Mar,p,9,c. 69. Gold and ſilver ſuld not be put to fire, Iam,3,p,8,c,65. The ſamin being of ſufficient weicht and mettal, ſuld not be refuſed, albeit it be ſolded, or hes ony flaw or crack. Iam.4 p.1. cap,17. Iam,4.p.3.c,37. Iam.4.p.4.c.40. Gold ſuld be quhiſleked & changed with quhite money, with the price thereof allanerly, Iam,5,p,7, cap,99 *vide* Money.

Gold-ſmithes ſuld not be prentars nor ſtrykers of money. Iam,2 p,8,c.33, They ſuld haue ane Deakon, to try and mark their woorke, Iam,2,p,14,c,66, Iam,3.p,13.c,96, They ſuld be admitted be the haill craft: Iam:3:P:13:c:96, They ſuld not mixt falſe lay with gold and ſilver: Their work ſuld be marked, with the Gold-ſmithes marke, the Deakons marke, and marke of the towne: Iam.3 p:13:c:96,c,97. Ia,4,p,2,c:13: Their ſilver wark ſuld not be vnder the fines of elleven pennie fine, and ſuld be marked, and their golden warke ſuld be of the fineſſe of twentie twa carrettes. Mar,p,6, cap:56.

Golfe, and the cauſe quhairfore the ſamin is forbidden *vide* Fute-ball.

Governour and Regent of the King his Realme, and lieges *vide* Tutour:

Gray-hennes forbidden to be ſlayne: *vide* Wilde-fowles.

Greene-woodde, *vide* Dittay, Iam,1,p,2,cap,33, Iam,6, p,1,cap,30: The vnlaw of Greene-woodde

is fiue poundes, but prejudice of the auld vn-law. Iam.4.p.6.c.71, deſtroyers and cutters of growand trees, committis thieft. I,6,p,11,c,82, *vide* Wood.

Girth, and priuiledge thereof, ſuld not be helpfull to committers of ſlauchter be fore thocht fellonie. Iam,3.p.5.c.35. And all ſik men ſlayers, flieand to the place of refuge or Girth, ſuld be delivered to the judge, to vnderly the law. Iam.5.p 4.c.22. Committer of ſlauchter, findand caution within Girth, to vnderly the Law, at ane certaine day, & compeirand and acquit, ſuld be reſtored to the Girth. Mar:p.6.c.31.

H.

H*AGBVTTES*, and vther ſmall artailzierie, ſuld be furniſhed be ilk man, after his eſtaute. Ia. 5.p,7.c,94: *vide* Piſtoletttes.

Hault-ſtealers. Iam. 3.p.7.c.59. Mar.p.6.c. 58. In halking, na man ſuld ride or gang vpon their nichtboures cornes. Mar.p.6 c,51. Na man ſuld haulke within ſex mile, to the Kingis Woodde, Parkes, Caſtelles and Palices. Iam.6.p 14 c,216.

Halie daies ſuld be keiped, and craftſ-men ſuld not take payment for ſik daies. Ia 4,p 4.c,43. Playing, labouring, drincking in Tavernes, ſelling of meate and drinke, and wilful remaining fra the ſermone and prayers, on the Sabboth day, is forbidden. Iam. 6.p.6.c.70. *vide* Faires. Prophaners of the Sabboth day, ſuld be puniſhed in their perſones, and be confiſcation of their moveables. Iam.6.p.14.ca. 198. Halie and feſtuall dayes, in honour of Saintes and Patrones, the ſuperſtition and wanton abuſing thereof is diſcharged. Iam,6,p:7.c.104. Halie daies ar accepted, in puniſhment of ſlauchter, quhilk be the law, ſuld be puniſhed before the Sunne gang downe. Iam.1,p.6,c.95,

Hares ſuld not be ſlaine in time of Snaw, Iam:2 par. 14,c.89, Iam,6,p.6.c.84, Nor at na time without licence, vnder the paine of thieft, Iam.6.p.11.c. 59. Iam 6.p,15.c.266.

Harnes ſuld be brocht hame be merchandes. Iam.1.p: 3:c.47. *vide* Hag buttes: *vide* Armour.

Heck, Ilk Heck of cruves, ſuld bee fiue inche wide. Iam. 4.p.2.c 15:

Herſtickes ſuld be puniſhed. Iam.1 p.2.c,28. Sik as wilfullie mainteinis and defendis, ony doctrine directlie, contrair the artickles of Religion, Iam.6, p.3.c 46.

Hedges ſuld be maid. Iam: 2.p:14:c.81. Quhilk ſuld not be maid of dry ſtaikes, rice, or ſtickes, or hewen wood, bot allanerlie of lyand woodde. Iam,2. p. 14,c,84: Ia.4 p.6:c.74 *vide* Plantinge.

Herring and quhite-fiſh ſuld be brocht to Free portes, within the Realme. Ia.6.p 4.c.60. Iam.6.p:6. cap: 86. Iam.6.p,10,c.14. Iam.6.p.8.c:141. At the leaſt the thrid part thereof. Iam,6.p.11: cap. 57: *vide* Fiſh. The meaſure of herning and quhite fiſh, ſuld conteine nine Gallownes of the Striviling pint. Iam.6:p:4.cap: 57: Aſſiſe herning may not be annalied or diſponed, Iam.6.par.ia.15. c,237.

Hoaſt, thereat ilk man ſuld be weill horſed and armed. Iam,1,p,9,c,120,c,121.c,122,c,123, In time of weire, na man ſuld paſſe away with geare vn-parted, nor reiſe gudes, geare, or priſoner, cap, nor raiſe affray in the hoiſt, Iam,2,p,12,c,52.c,53, 54: Garniſounes ſuld be layed on the Bordoures, Iam.2.p:12:c:56. All men ſuld be reddie with armour, for defenſe of the realme. Ia,2,p,13,cap,57. Men cumming to the hoiſt, ſuld not deſtroy cornes, Iam.3 p.11,c,81. The hoiſt and armie of this Realme, ſuld be on fute, Iam.5,p,6,cap,86, Exemptiones and licences, fra raides, ſuld be regiſtrat in the Theſaurars buikes, and ſubſcrived be him, Iam,6,p,12,c,126, In hoiſts and armies, all inhabitantes of Kirk-landes, annexed to the Crowne, ſalbe vnder commandement of heretable Baillies and Stewardes of Regalities, Iam.6. F,11,c,29, The waird, reliefe, mariage, and tackes of them quha ar ſlaine in the Kingis armie or hoiſt. Iam,4,p,7,c,102. Iam,5,p,3,cap,3 c,4, Mar,p,3,c,4.c,5,c,6, Iam,6,p,2,c,41,cap,42, c,43.

Horning againſt onie particular partie, is not lauchfull paſſed vpon charges, or letters direct generallie, contrair all and ſindrie, Iam,6,p,12,c,140.

Letters of horning, vpon fifteene daies, ſuld be granted upon decreetes given within Burgh, Iam, 6,p,13,c,177. Letters of horning or poynding, ſuld be direct, at the inſtance of the partie, for execution of all decreetes, Iam.6, p,8,cap, 139, Letters of horning in criminall cauſes, ſuld be delivered be the juſtice Clerke to the Theſaurar, Iames,6,parliament,12, Cap. 126. Denuntiation of horning, at the mercat croce of Edinburgh, vpon condition of contract or obligation is null, Iam, 6,p,12,c,138, Letters of horning with the executions thereof, ſuld be regiſtrat in the Schireſſes buikes, Iam.6 p.6,c,75.

Or in the buikes of Baillies of royaltie, or regalitie Iam,6,p,15,c 264, Iudiciallie, or before four witneſſe ane Notar, and the Ordinar Clerke, Iam,6,p,15,c,265. The Schireſſe Clerke refuſand to regiſtrat them, or not regiſtrating them richtlie, or not preſenting ane inuentar thereof to the Theſaurar, is puniſhed. Iam,6,p,11,cap,71.

And it is leaſum to the partie to take inſtruments vpon the refuſe, and to regiſter the letters in the buikes of the nixt Schireſſe, baillie, or in the buikes of Councell, be the Clerke of Regiſter, Iam.6.par. 15.cap.265.

Letters of Criminall cauſes, may be regiſtrat in the juſtice Clerkes buikes. Iames the Sext, parliament, 8.c:140.

Letters of horning, raiſed at the inſtance of parties quha deceaſed before the twentie fourth day of October, In the zeir of God, ane thouſand, fiue hundreth, ſeventie nine zeires. Al letters of horning for

or none compeirance to vnderly the Law, or for not finding of caution, ſuld not neceſſarlie be regiſtred in the Schirefſes buikes, all horninges within Stewardries and Regalities may be regiſtrat within the buikes thereof, & hornings againſt wit. nes requiris na regiſtration, I.6.p.8,c.142. Letters of horning and indorſation, not being produced judicialhe, and thereafter tint, may not be proven be witneſſe I.6.p.6.c.94. Traitoures and rebelles remainng at the horne, ſuld be put in warde. Iam.6,p.12.c.124. Iam.6. par.12. cap. 144. Horninges ſuld not be direct againſt Kirk-men for taxation. Mar.parlia 6, c, 55.

Horſe ſuld not be ſauld out of the Realme, vntill they be three zeires auld. Iam.1.p.2.ca.31.

They ſuld not be tranſported be Sea in Schippes. Iam,6 p.1.c.22. They ſuld not be halden at hard meate in forbidden time. Iam, 6,p.7, c,22, Iam.6.p.11.c.56.

Horſe perteining to malefactoures, juſtified before the judge, perteining to the Crowner. Ia.3.p.14. c.113.

Hochers or ſlayers of Horſe: *vide* Thiefes: Horſe ſchod in the quick be Smithes. *vide* Smithes.

Hoſpitalles ſuld be reformed be the Chancellar, Biſhop and Ordinar, Iam.1,P.2,c,27. Iam.2.p,14,c,70 Iam,3 p.1,c,10. The viſitoures of the Hoſpitalles ſuld bee named be the King. Iam.5. p,7,c.101 Iam.6.p.5.c,63.

Hoſpitalles ſuld be repaired for aiged and impotent perſones. Iam.6.P,6.c.74, Landes annuall-rentes, and vther emolumentes, granted to the mainteining of Hoſpitalles, and beſtowed to that vſe, and nane vther, not conteined in the annexation of Kirk-landes. Iam.6.P.11. cap. 29. Fewers and tackeſ-men of landes, perteining to Hoſpitalles, ſuld be charged to produce their richt, before the Chancellar and Commiſſioners. Ia.6.P.5.c.63.

All diſpoſitiones maid in the Kingis minoritie, of Hoſpitalles, and landes perteining thereto, ar revoked. Iames the Sext, Parliament. 11. Cap 31.

Hoſtellares ſuld be in all Burghes, and throch-faires townes, Iam.1.p.1.c.24. All travellers ſuld ludge with them. Iam.1.p.3.c.56. Iam.5.p.4.cap. 17. They ſuld take reaſonable prices for mennis dinner and ſupper. Mar.Par.5. Cap. 23.

Huires or common weemen, ſuld dwel in the outmoſt corners of the Towne. Iam.1.p.4.c.74.

Huſbandrie, how meikle everie man ſuld ſaw on his land. Iam.1.p.5.c.81

Hundes or dogges perteining to ony man, ſuld not bee taken be ane vther. Iam.3.p.7.c. 59, Marie P.6. c.58.

Hunters ſuld not ride nor gang, in their nichtbours corne. Mar,p,6.c 51. They ſuld not hunt within ſex miles to the Kingis wooddes, Parkes, and Palices. Iam.6.P.14,c.210.

Hides ſuld not be caried foorth of the Realme in England Mar.p, 6.c.45: *vide* Staple gudes: Barked hides ſuld not be cartid furth of the Realme. Iam.6.P.4.c.59.

Hind-ſlayers: *vide* Dittay.

Hiues of Bees, and ſtealers thereof. Iam.6.p.6.c.84. *vide* Dittay.

I.

Iackes *vide* Harneſſe: *vide* Armour.

Idle-men ſuld be compelled to woorke. Iam.1. P.1 c.25. All men of ſimple eſtaite, ſuld labour. Ia,1.p.2.c 41. They ſuld be arreiſted, vntill they finde ſovertie. Iam. 1.p.3.c.66,

They ſuld be compelled to woorke within fiſhing Shippes, Iam.4.p.4.c,49, *vide* Sorners: *vide* Beggers: *vide* Vagaboundes.

Idolaters, and all Actes contrair Gods worde, and the confeſſion of faith, ar abrogate. Ia,6,p,1,c,3,

Ieſuites and Seminarie Prieſtes, their receipters: *vide* Religion: *vide* Meſſe: *vide* Treaſon.

Iles, South and North, ſuld haue juſtices and Schireffs, Iam.4,p,6,c,59. The Iles ſuld be ruled be the Lawes of this Realme, and nane vthers. Ia. 4.p.6.c.79.

Improbation of ane alleageance, being proponed in action of remooving, the proponer ſall finde caution. Mar,p,6,c,39, All perſewers failzieing in improbationes of any contract, or vther writing quhatſumever, tinis the principall cauſe. Mar.p.7. c.62. The proponer of improbation, be way of action or exception, againſt inhibitiones, or interdictiones, regiſtrat in the Schirefſes buikes, the obteiners and vſers of the ſaidis letters, ſalbe halden to produce the principall and originall. Iam.6. p,7,c,118. The forme and maner of improbation of the ſignatoures of the Kings Patrimonie Iam,6.P.12.c.133. For the better tryall of falſed, the writer ſuld inſert his name in all Chartoures, contractes, and vther writtes, Iam.6.p.13.c. 175.

Inceſt, and committers thereof, ſuld be puniſhed to the death. Iam.6.p.1.c.14.

Indorſation of letters ſuld be ſtamped & ſeale d before witneſſe. Iam.3.p.5.c.32. Iam.5,p,6,c,74,

All copies and executiones of letters, ſuld be ſubſcrived be the executour thereof. Iam,6.P.12.cap, 139.

Infamous perſons (ſikas obſtinate Papiſtes, diſobedient to the admonition of the Kirk) ar vn-able to ſtand in judgement to perſew, beare office, be witneſſe, aſſiſoures, or to be members of Court. Iam.6.Par. 3.c.45.

Inſeſtmentes, bondand, infeſtments granted be the ſuperiour, to his vaſſall, be his reſignation, prejudgis not the third perſon. Iam.6.p.12.c,136. Infeſtmentes of the Kingis propertie: *vide* King: *vide* Comptrollarie: Inſeſtmentes giuen be the King, with advocationes and donations of Patronage of Kirkes, quhilk perteined of before, to his Hieneſſe ar null: ſa far as concernis the ſaid patronage. Iam. 6,p,13,c,172.

Ingland, to remaine in it without licence, is treaſon, Iam.1,p,9,c,128. To paſſe to it in time of weir without the Kingis licence. Ia.2.p.12.cap. 50.

Inglish gudes, ſik as claith and vther gudes, ſuld not be bocht within this Reaime, fra Engliſh men. Iam. 1.P.13.c.145. Engliſh men may not bruik onie benefice within this Realme: *vide* Benefices: *Inglish* claith, and all Ingliſh merchandices maid of wooll, is diſcharged and forbidden. Iam.6.par. 15.c.252,

Inglish-men ſuld not cum in Scotland, without ane conduct: Na Scottes-men ſuld trieſt or aſſure with ane Ingliſh-man. Iam.2.p.12.c.51. They havand ſafe conduct, may ſell and bye leaſumlie. Iam,5,p,4,c,19, They may not bruik benefice Iam,3,p,1,c,7,

Inglish thieues cummand in Scotland without licence, ſalbe vſed as priſoners. Iam.6.p.11.c.101. The names of Ingliſh-men, dwelland in Scottes Bordoures, ſuld be inrolled be the Wardaine. Iam.6. P.11,c.105. It is not leaſum to ſell Nolt, nor ſcheepe to Ingliſh-men, nor to ſend victualles, fiſh, nor ſalt in Ingland. Iam.5,P,4.c.19 Staple gudes ſuld not be caried in England. Mar.p 6.cap.45.

Inhibitiones, interdictiones, and executiones thereof ſuld be regiſtrat in the Schireffe buikes. Iam, 6.P. 7.c.118.

Inſtrument given furth be ane Notar diſcharged, is nul. Iam,5,p,6,c.76. Or bee ane Notar, quha is ſuſpended to ane certaine daye. Mar.p.5.c.24. ~~Mar.~~ p.9.c.78. Inſtrument in Court, ſuld be taken in the handes of the Scribe of court, and ane vther Notar. Iam.5.p,6,c,81. Inſtrumentes given furth be Notars, quha producis not their Protocolles, before the Lordes of Seſſion, at ane certaine daye, ar null. Iam,6,P,11,c,45. Inſtruments given furth be Notars, quha hes not ſubſcriued, and put their ſignes in their buikes, makis na Faith. Iam,5,p,6,c,77. Inſtrumentes taken in the handes of ony Notar, nor the Scribe and notar of Court, ar null. Iam,5,p,6,c,81: *Vide* Preſcription.

Iowelles ſuld not be caried furth of the Realme. Iam.1. p.13.c.148.

Ipſo facto Kirk-men tinis their benefices, not imbracing the religion. Iam.6.p.3,cap,46. Iam,6,P,12. Cap.123.

Ireland, na man ſuld pas thereto without licene I,1, P,3.c,61. Nor cum therefra, without ane teſtimoniall. Iam,1,p,3,c,62,63,64.

Iudges, and officiares of Law, ſuld be wiſe men, and reſponſall in gudes and geare, and heretable officiares vnqualified, ſulde haue deputes. Iames.1. P.1,c,6.

Iudge Ordinar, ſuld firſt decide all complaintes. Iam.1 P,2,c,45, Iam.3. P,8,c,62, Iam.3.P,5.c.26. Iam. 3.P.14.c.105. All judges ſuld ſweare to judge rightlie. Iam.1.p.6,c,83, Iudge not keipand the ordinar forme of proceſſe, ſuld be puniſhed. Ia. 1.p,6,c,86, Iam,3.P,14,c.105. He ſuld be ane juſt man, Iam,2,P,6,c,13. Ane judge wilfullie treſpaſſand, tinis his office for ane zeir and day, aud ſatiſfies the partie, Iam.2.P,6,c.17, Iam, 2,P,14.c,77. Iudge, baith Civill and criminall, ſuld ride in competent maner. Iam.2. Par. 6.cap,21. All judges within the Realme, at ilk Court, ſuld inquire of Sorners, fuilles, bairds, vagaboundes. Iam,2,P,6,c,22, Ane judge being partiall, or refuſand to do juſtice, ſall ſatisfie the partie, and pay ane vnlaw to the King, and be ſuſpended fra his office, gif he hes it perpetuall, or ſall tine it, gif it be Temporall. Iam,1.p.6,c,86, Iam,3, P,5,c,26, Ilk iudge ſal anſwere for his Depute. Iam,3,p,5,c,26: The judge may be perſewed for doing wrang, and the partie ſulde be called thereto. Iam.3.par.14.c.105.

Quhat expenſes the judge ſuld haue, for extracting of the proceſſe deduced before him. Iam,4,p,6,c. 67. He ſuld execute the Lawes anent beggers, Iam,5,p,4,c,21. All judges and officiares, ſuld ſearch and apprehend all rebelles. Iam. 5.P,7,c,70, All judges ſuld do juſtice equallie to all men. All murmurers wrangeouſlie againſt them, ſuld be puniſhed. Iam,5,p,7,cap. 104. All judges ſuld take inquiſition, anent men not keipand ordour in their awin houſes, anent the number of courſes of meate, Mar,P.5. c,26.

All judges ſuld execute the Acte anent cruves and zaires. Mar.p,9,c,68, And convocate the Kingis Lieges, to caſt downe cruves and zaires, Ia, 6,p,6.c,89, They ſuld puniſh Witchcraft, Sorcerie, Necromancie, vſers thereof, and conſulters therewith. Mar,p,9,cap,73,

Nane may be judge quha profeſſis not the Religion. Iam.6.p,1.c,9.

All judges, at ilk head court, ſuld inquire anent receipters, maintainers, fortifiers, and aſſiſters of thieues. Iam,6,p.1,c,21. And anent ſlayers of black fiſh, ſmoltes, and cutters of greene wood. Iam.6.p,1,c,30, Iam.6.p.6.c.89. Iudges ſuld puniſh deſtroyers of wooddes, Foreſtes, Orchardes, broome, breakers of Dowcattes, Cunninggaires, Parkes, ſtanckes, zairdes, ſlayers of hares, makers of mure-burne, ſtealers of bees, deſtroyers of greene woodde, Iam,6,p,6 Cap:84:

All judges ſuld put the Actes of Parliament to execution, anent bringing of herring and quhite-fiſh to free Portes. Iam.6:p.6:c:86: All judges ſuld puniſh blaſpheamers of Gods name. Iam:6. p:7:c:103.

They ſulde take and apprehend all perſones paſſand to Pilgrimage. Iam:6:parliam:7:cap: 104: All judges not putting to execution the Lawes anent ſchutting at wilde fowles and wilde beaſtes, ſuld be puniſhed Iam. the Sext, P.7 c.123.

Na inferiour judge may impugne decreetes, or deciſiones of Parliament. Iam,6.P.11.cap,39.

Inferiour judges, ſik as Schireffes, Baillies of Regalities and vthers, ſuld decide all moleſtationes, or cognitiones of propertie and commontie, the maner and forme of their proceeding. Iam.6.par, 11,cap,42. They ſuld ſende ane trewe reporte to the Clerke of Regiſter, of all Notars within their juriſdiction. Iames the Sext, Parliam. 11.cap,45.

All judges ſuld proceede and do juſtice, nochtwithſtanding of ony licence or *ſuper ſedere*, granted in the contrair. Iam.6.p.11.ca.47.

All

All judges ſuld vnderſtand the Lawes, and execute the ſamin. Iam. 6. p. 12. c, 124. They ſuld take and apprehend traitoures and rebelles, Sorners, vagabounds, thieues, Egyptians, and vthers breakers the Kings Lawes. *Ibid.* And ſuld make priſons, ſtocks, and irons, for puniſhment of ſtrange idle beggers. Iam. 6. p. 12. c. 147.

All judges ſuld diſcharge and put away Faires and mercattes vpon halie-daies. Iam. 6. parliam. 13. cap. 159.

The paine of them quha ſlayis ſtricks or hurts ane vther in Parliament, Seſſion, Secreit-councel, Proveſt or Baillies, or vther inferiour judges. Iam. 6. p. 13. c. 173. All judgementes and juriſdictiones not approved be the King and Parliament, ar diſcharged Iam. 6. p 8. c. 131.

The members of Seſſion, and vther inferiour judges, ſuld not bye ony landes, or ony poſſeſſiones dependand in pley. Iam, 6, p 14, c, 216.

Iuſtice and his deputes ſuld do juſtice, againſt maiſterfull thieues, and vther malefactoures: Quhairto the King ſall giue aſſiſtance. Iam, 2, p. 6, c, 27.

He ſuld inquire in all juſtice aires of ſorners, bairdes, maiſterful beggers, feinzied fuilles. Iam. 2. p, 14, cap, 80.

He ſuld put till aſſiſes, inhabitantes of Burrowes All the lieges ſuld aſſiſt the Iuſtice in his aire. Iam. 4, p, 3. c, 29. Iuſtices and deputes ſuld be in the Ile, South and North. Iam, 4. parlia, 6. cap, 59. c. 60. The juſtice may ſummound fugitiues for crimes, at their dwelling place, and paroch Kirkes. Iam, 5. P, 4, c, 33.

Hee and his deputes, and na Commiſſioner, ar judges in ſlauchter. Iam, 6. p. 11. c. 75;

Iuſtice and his deputes, may modifie the expenſes of ony perſon accuſed and clenged before him. Ia. 6, p. 11, c, 87. Landel-lordes and vthers, obliſhed be the generall bande, ſuld preſent malefactours to the King, or to the juſtice. Iam, 6, par, 1; c. 103. Iuſtices and vthers officiares, ſuld ride throw the Cuntrie, with ane competent and eaſie number. Iam. 2. p. 6. c. 21,

Iuſtice courtes ſuld not be continued be ony precept, or command of the King. Iames the Sext, Par. 11. Cap. 79.

Iuſtice Aires ſuld be halden twiſe in the zeir, within the royaltie and regalitie. Iam, 2. p, 3, cap, 5, Iam. 6. p, 14. c. 227. Anis on the graſſe, and anis on the corne. Iam. 3, p. 13. c. 94. Iam. 4 p. 3, cap. 29. The maner of halding of the ſamin, and the forme, and in quhat place they ſuld be halden. Iam, 6, p. 11, c, 81. Iames 6. p, 14. c. 227.

All men arreiſted to the juſtice aire, ſuld enter within barre. Iam. 3, p. 7. c. 58.

Iuſtice aires in Argyle and vther Hie-land places, and to quhat court or air they ſuld cum. Ia. 4. pa. 6 cap. 60.

In the Iuſtice aire, the maiſter ſuld anſwere for his awin man. Iames the Fifth, parliament 3. Cap. 6.

Iuſtice aires ar peremptoure ar the ſecond courte. Iam. 5. p. 4. c. 32. The vn. law of Iuſtice aires of arreiſted perſones not compeirand is twentie poundes. Iam. 6. P, 13, cap. 166.

Iuſtice Clerk ſuld not reveill the Dittay, nor alter the rolles. Iam. 2. p. 6. cap. 28. He ſuld extract all actes concerning Dittay, Iam. 4, p, 4, c, 45. He ſuld deliver all letters of horning, with executiones thereof in criminall cauſes, to the Theſaurar. Iam. 6, P, 12, c, 126.

The juſtice Clerke, and nane vther ſuld deliver the Portuous to the Crowner. Iames, 1, Par, 13, cap, 139.

K

KING His aith, quhilk he ſuld make in time of his Coronation: Iam. 6. p. 1. c: 8. King Iames the Second is Crowned. Iam. 2. p, 1, c, 1,

The Kingis Protection breakers, ſuld be puniſhed Iam. 1, p. 11, c, 134: *vide* Peace.

The King his juriſdiction in all cauſes. Iam: 3: p: 5. c. 26, He hes full juriſdiction, and full Impire within his Realme. Iam. 3. P. 5. cap. 30. Iam. 6, p, 15, c. 251.

He hes Royall power over all eſtaites, alſweill Spirituall as Temporall, and is judge competent to them. Iam: 6: p: 8. c: 129. King Iames the Firſt, inquired quhat landes perteined to his Predeceſſoures, Iam. 1. P, 1. cap, 9,

The Kingis propertie may be ſet in few-ferme: *vide* Comptroller: *vide* Alienation. *vide* Diſſolution: *vide* Few-ferme. The Kingis houſe ſuld be ſuſteined be the intrometters and receivers of the rentes of his propertie, Iam. 6. P. 11, c, 66. The deteiners of the Kingis rentes, ſuld be puniſhed, Iam, 3: p: 13: c. 91.

The Kingis propertie, ſik as his landes, rentes, cuſtomes, burrow-mailles, ſermes, martes, mutton, Pultrie, avarage, cariage, and vther dewties, may not be diſponed or given away. Iam. 4. parliam. 2. c, 10.

And his annexed propertie being annalied, may be taken againe with the haill profites thereof, without ony proces of law: *vide* Annexation: Ane part of the annexed propertie is graunted to Burrowes to be bigged in the Iles, Iam. 6. Par. 15. Cap. 263.

Tennentes of the Kings propertie, ſuld not be moleſted or troubled Iam: 4: P. 2: c. 21,

All Alienationes of the Kingis propertie, maid be King Iames the Thrid, ſen the ſecond daye of September, the zeir of God, ane thouſand, four hundreth, auchtie ſeven zeires, vntill the time of his deceaſe, ar null, Iam. 4. p. 4. c, 50.

The ſuperioritie of Landes, halden of Friers, Nunnes, Prioures, perteinis to the King. Iam. 6. p. 2. cap. 38.

The King may not interpone ony perſon be ſetting of few, tack or rentall of his propertie, and the labourers thereof: And all diſpoſitiones ar revoked, Iam: 6. p. 9. c. 6.

Annuallrentes payed to Eccleſiaſticall perſones, furth of the Kingis propertie: After their deceaſe returnis to the Crowne, Iam.6.P.13.c.167.

Inſeftmentes of the Kingis propertie, ſuld haue the conſent and ſubſcription of the Comptrollar, and paſſe his regiſter. Iam.6.P.13.Cap.171.

The King may not make diſſolution, or alienation of his propertie, in his minoritie. Iam.6. par.14. Cap.203. The perfite age of the Queene Mother, is after twentie ane zeires compleit. Mar.P. 10.c.87. And ſik-like of King Iames the Sext. Iam.6.p.11.ca 22. Alienation of the Kingis propertie, alſweill not annexed, as annexed, in his minoritie, ſtallis vnder his revocation. Iam,6. P.11.c.31, All free giftes and diſcharges of the annexed propertie, ar of nane availe. Iam.6. P.15.c.238. The Kingis caſualities ſuld not be diſponed in great, ſik as of ane cuntrie togidder. Iam.6.P.11.c.69. All diſpoſitiones of them, maid be the King, cummis vnder his revocation. Ia. 6.P.11,c.31. The tennentes of the principalitie, quha haldis of the Prince. and Stewaird of Scotland, ſall anſwere to the Kingis juſtice air, and Parliament, quhill there be ane Prince borne. Iam. 4.P,2,c.16. Keipers, or Captaines of the Kingis Caſtelles or ſtrengthes, ſuld not directlie, nor indirectlie, for rendring of them, take onie landes, money, benefices, or gudes. Iam 6.par.7.c. 125. Landes, money, and victuall, aſſigned for keiping of the Kingis Caſtelles, Iam,6. P.9.c.8. All diſpoſitiones of the Kingis Caſtelles and houſes, ar revoked. Iam.6.p.11,c.31.

The King ſufferis the Creditour, to be preferred to him, in payment of his debt: *vide* Creditour. The King ſuld haue the twa part of benefices vacand: Iam.6.p.15 c.242.

Na man ſulde ſchutte at wilde-fowles, or wilde-beaſtes within the Kingis Parkes or Forreſtes, or zit cut greene woodde or timber ther in, or hunte or halke within ſex miles thereto. Iam.6. P.14.cap. 210. Al evill ſpeakers of the King, quhairby conſpiracie may riſe, betuixt him and his ſubjectes, ſuld be puniſhed. Mar.p, 6,c,60. Iam.6, P.10.c.10: *vide* Famous Libelles: *vide* Leaſing-makers. All execution of Lawes, and proceedinges in the Kingis name, is ratified and aprieued. Iam.6,P.3.c.50.

The King may exeeme to his ſervice, ane man of ilk craft, fra watching, warding, and ſervice within Burgh. Iam.6,P.12.c.153.

Troublers of the Kingis Chalmer, Cabinet, or Chalmer of peace, Palice, ſecreit Councell, ſuld bee puniſhed as traitoures. Iam.6.P.13,c.173.

The King ſuld haue all Monkes portiones, the firſt zeires fruites, and the fifth pennie of all benefices. Iam.6.P.8,c.137.

The King ſuld be in proper perſon, neere by the places, and townes, quhair juſtice aires ar halden. Iam.2,P,4.c,5.

And ſuld ryde throuch the Realme, and puniſh rebellion, and vther crimes. Ia.2.P,3,c,5.c.6.

The Kingis Councell, their aith and office Iam.4. P,2 c.12.

Ane reſident Councell, is ordained, Iam.4.Parli.6. Cap.58.

Kipper and the vnlawes of the ſlayers thereof. *vide* Salmond.

Kirk, the trew Kirk, and members thereof, ar they allanerlie quha profeſſis the Evangell, conforme to the confeſſion of the faith, and communicatis with the halie Sacramentes. Iam 6, P.1.c.6, Iam. 6,P.5.c.61, Iam,6,P,6.c.68, The Freedome of Halie Kirk, ſuld be keiped, Iam.1:P:1.cap:1: Iam:1: P:2:c:1: Iam.3. P:1.c.1. Iam,5, P,1,cap, 1: Iam.6.P,1.c.24. Ia.6.P.11.c,23,

The juriſdiction of the Kirk conſiſtis in preaching of the worde of God, miniſtration of the Sacramentes, and correction of maners, Iam, 6.Par,6, c,69.

The juriſdiction and power of provinciall aſſemblies of Presbyteries of Elders, of particular Kirkes. Iam. 6.P.12.c.114.

The contemners of the ſaid juriſdiction and ordinances of the Kirk, may be denunced rebelles. Iam. 6.P.13.c.160.

The Patrimonie of the Kirk, ar the teindes. Iam.6. P.1.c.10.

The Kirk may hald and keip Synodall, provinciall, and generall aſſemblies. Iam.6,P,12,c,114,

Kirk-men ſuld not be vexed in their bodies nor gudes. Iam.2.p,3,c.4, Iam.4.P.2.c.7. They ſuld not be put to the horne, for none-payment of their taxation. Mar.P.6,c,55, They ſuld haue their reliefe there-anent. Iam.6.p.14.c.228.

Kirk troublers & ſpuilziers ar curſed and infamous. Iam,2,par,6,c,12, Mar,par,5,c,17, Iam.2.Parl.4. cap.7.

Committers of ſlauchters within Kirkes or Kirk-zairdes, tinis all moveables, and their life-rente. Ia. 6,p.12.c.118.

Troublers of the Kirk, the time of divine ſervice, or rayſers of affray in the Kirk or Kirk zaird, ar puniſhed Iam.6,p 11.c.27,

Curſed men may not remaine within the Kirk. Mar.P.5.c.18.

Kirk-mennis palaces, or places after their deceaſe, ſuld not be occupyed be ſecular men, vnder the paine of treaſon: *vide* Treaſon: Kirk landes may be ſet be Kirk-men, without impediment. Ia. 1.P,1.c,1.

Diſpoſition of Kirk-landes, ſik as Friers landes, and vthers perteining to the King, as propertie, ar revoked. Iam.6.P.11,c.31. And likewiſe, all commoun Kirkes ſuld be reduced to the firſt aſſumption. Iam.6.P,15.c.241.

And being wrangeouſlie annalied, ſulde be reſtored. Iam.1,p.2.c.26.

And being ſet in few-ferme, ſuld be confirmed: *vide* Confirmation: Kirk, landes or teindes may not be erected in Temporal Lord-ſhips. Iam. 6.p.12.c.119. Ia,6.p.14,c:195.

Kirk men quhais landes ar diſſolved fra the benefice, and annexed to the Crowne, ſuld not bee obliſhed for warrandice of ony diſpoſition maid anent the ſaidis landes. Iam.6.Parliament 11, Ca. 110. C,29.

Wee.

Weemen ſuld not cum to the Kirk muſſeled. Iam. 2.p.14.c.71. The Kirk work ſuld be helped be merchandes that ſailles. Iam.3.p,2,c,14. Paroche Kirkes and Kirk zairdes ſuld be repayred and vphalden. Mar.p.9.c.76. Iam.6.p.3.c.54. Iam,6,par. 15.c.232. Commoun Kirkes, like as perſonages, or Vicarages, ſuld be conferred to Miniſters be the Patrones. Iam.6.p.14,c.196. The rentall of all Kirk landes, ſuld be given and delivered to the King Iam 6.p.12.c.131. And all thoſe landes, annexed to the Crowne, ſuld remaine therewith, and ſuld be reſtoured. Iam:6.p. 14.c.229.

Caſtelles, Fortalices, houſes, manſiones, with houſes, biggynges and zairdes, lyand within the precinct of the places, cummis vnder the annexation. Iam.6,p.11.c.29

L.

LAICK, or Temporall men paſſand furth of the Realme: *vide* Clerkes.

Law-borrowes, asked be ony partie of ane vther, ſuld be granted to him that makis faith of the feir. Ia. 1.p:9.c.129. Iam.2.p.6.c.13. Iam 2.p.14.c.83. The paine and vnlaw thereof, conforme to the eſtaite of them to quhom it is founde, perteinis to the King. Iam.3.p.1.c.5. Law borrowes may be found be command of the Lordes of Councell, or the Iuſtice, and the paine thereof may be modified be them. Iam.4.p.3.c.27. The paine of Law borrowes ſuld be equallie devided betuixt the King and the partie, Iam.6 p.6.c.77. The cautioner may be perſewed or the principall: And hee quhilk is denunced rebell, for none finding of caution, ſuld pay the paine. Iam.6.p,15,cap,269. The forme and maner of Law-borrowes, and the paine ſuld be modified be the judge. I.6.p,7,c,117. Law borrowes ſuld not be granted to charge complices generalie. Iam:6:p:11:c:85: Ane particular pecuniall paine or vnlaw of Law borrowes, to be found be ilk man, conforme to his eſtait. Iam 6 p.13,c.166.

Law of oblivion, Mar.pa,9,c,67. The Lords of Seſſion ar judges, to the interpretation of the ſaide Law. Iam.6.p.11.c.44.

Law and ſtatute maid be the King, the Clergie, and the Barronnes againſt the merchandes, Iam.2.p. 14.c.68. Lawes of this Realme, allanerlie ſuld rule and governe all the Lieges. Iam,1.p.3.c.48. Iam 4.p:6:c:179. They ar ordained to be ſeene and examined, Iam.1 p:3:c:54. Iam.3.p.14.c.115. They ſuld not be wrangeouſly interpreted. Iam.1 p:7:c,107: All lawes contrair the religion, ar abrogat, Iam,6,p,1,c,31. Iam.6,p,11.c.23.

Lentron ſuld be keiped, and na fleſh ſuld be eaten in time thereof. *vide* Fleſh. Lentron ſalbe fra the firſt day of March *incluſiue*, to the firſt day of Maij, *excluſiue*. Iam.6.p. 14.c.221.

Leaſing-makers an tellers of them, betuixt the King and his people. Ia.1.p.2.c.43. Iam.5.p.6.c.83. Ia.6. par, 8.c.134. Iam.6. p.14.c.205. Mar.p,6.c.60. Ia. 6,p,10,c,10.

Letters of caption, contrair curſed perſones: *vide* Curſed. Na letters, ſuld be put in forme, contrar the loveable and accuſtomed ſtile. I 6:p.10,c.13.

Lieth, in it nor in vther places without the Kingis Burrowes, na gudes may be packed nor peiled. Ia.4. p.6.c,84. Nor wooll, hide, nor skinnes, ſuld be houſed. Iam.4.p.6.c.88.

Leith-winde ſuld be bigged. Iam.5.p.7,c.102.

Libell in criminall cauſes conteining, that the partie partie complained on, is airte & pairt of the crime may not be elided be exception, Ia.6.p.12.c.151.

Licence for tranſporting of forbidden guds, *vide* Forbidden guds. Licences and exemptiones fra hoiſts and raides: *vide* Hoiſt: Licences granted, for tranſporting of wooll, ar diſcharged. Iam.6.p.15.c.250.

Lieu-tennent to the King, may puniſh the Schireffe, quhen he dois not his office. Iam.2.p.5.c.10. He ſuld arreiſt all rebelloures, and vn-rulefull men within Caſtelles, and take caution for quietneſſe of the cuntrie Iam,2.p.2.c.3.

Leagues: *vide* Bands.

Linged ſeede ſulde not be caried furth of the Realme. Iam. 6.p.4.c.59.

Lepper-folk ſuld not enter within ane Burgh on mercat dayes, bot on vther daies, and that thriſe in the oulk. They ſuld not cum to Kirk nor Kirk zairdes to thig, bot bide at the Portes of the towne. or at their Hoſpitalles, vnder paine of baniſſhment. Iam. 1.p,7,c,105.

Litiſconteſtation ſuld be maid be the defender, the firſt terme of compeirance. Iam.1,p,6,c,86.

Litſters ſuld not bye and ſell claith. Iam.2.p.14.c.67.

Lordes, of Seſſion *vide* Seſſion.

Liferenter ſuld finde caution to the air, and ſuſteine him. Iam,4,p,3,c,25. Iam.5,p,4,c,14. In dimiſſion or reſignation of benefices, the liferent of the reſignar, may not be reſerved. I.6,p,9,c,1 Committers of ſlaughter, within Kirk or Kirkzairdes, and their recepters, tinis their life-rent. Ia. 6.p.12.c,118.

Lyon King of armes, ſuld hauld twa Courtes in the zeir, vpon complaintes maid vpon officiares of armes, he ſuld take inquiſition, and put ordour to armes, vſed be all men. Iam.6,p.12,c,125. He may with adviſe of the Lordes of Councell, depriue officiares of armes, giue to them Injunctiones, and accciue caution of them. Iam.6.par,12.c,125, Hee ſuld deliver to the Theſaurar, the names of the officiares of armes, that ar admitted or diſcharged, and their cautioners. Iam,6.p.12,c,126, *vide* Officiares.

Lytle Iohn: *vide* Robert Huid.

M

Maires ſuld warne the cuntrie men to aſſiſt the Schireſſe, to perſew committers of ſlaughter. Iam,1 par. 6.c.98. Of their election, fee, office, attachements, and their deputes. Iam.1.p.9.c,111. They ſuld haue ane horne, and ane wand. Iam,1.p:6. ca. 99.

Maiſter of the money, ſall ſweare for all gold and ſilver that ſalbe ſtricken vnder him, quhill the wardaine haue taken aſſaie, and put it in his buiſt. Iam. 2.p. 8,c,33. Iam.4,p,5,c,55: *vide* Money.

Maiſter of Schuilles, profeſſers and teachers of youth, ſuld be tryed and examined bee the viſitoures of the Kirk. Iam. 6. p. 1 cap. 11.

Malt-makers ſuld preſent the Malt to the Mercat, and may not ſell the ſame before nine houres, vnder the paine of eſcheitting of all their malt They ſuld take bot ane boll of Beare, for making of the Chalder of Malt. Iam. 4. P, 6. cap. 92. Or twa ſhillinges for the Boll of Malt, mair then the Boll of Beare is ſauld. Iam. 5. p. 4. c. 28.

Malt-men ar na craftſ-men, they ſuld not haue ane Deakon. Iam. 6. p. 1: c. 29.

Man, or ſervand to onie Maiſter, or quhais man or ſervand onie thieſe or ſorner ſuld be eſteemed, may be vnderſtand foure maner of waies. Iam. 6. p. 14. cap. 227.

Marcattes, *vide* Faires.

Manſes, *vide* Gleebes.

Mariage may be contracted betuixt perſones within ſecond degrees of conſanguinitie, or affinitie Iam. 6. P. 1. c. 15.

Mariage may be diſſolved for none-adherence, and malitious deſertion of ane of the parties. Iam. 6, p, 4, c. 55.

Ane Scottſ-man on the Bordoures, may not marie ane Engliſh woman, on the oppoſite Bordour, without licence. Iam. 6. p. 11. c. 104.

Ane woman being divorſed for Adulterie, committed be her, may not annalie her landes, in prejudice of her aires. Iam. 6. p. 12. c. 117.

Merchandes being ſtrangers, ſuld not carie away gold and ſilver vncuſtomed. Iam. 1. p. 1. c. 16. Iam. 1. p. 3: c. 49. Iam. 4. P. 4. c. 41.

They ſuld cum to free Burrowes, and there make merchandice. Iam. 4. p. 1. c. 3.

They may not ſaill, except they haue three Serplaithes of wooll. Iam. 1. Par. 2. c. 38. Iam. 2, p. 14. c. 68. or halfe ane laſt of gudes. Iam. 3. p, 2, c, 13. Iam. 3. p. 14. c. 106. Iam. 5. p. 4. c. 23.

They ſulde be Free men and in-dwellers within Burgh. Iam, 2: p. 14. c. 68. Mar. P. 6. c. 59, Iam. 3: p: 14: c, 106. Iam. 6, p, 6, c, 97, Iam, 3, p, 2, c, 11.

Vnder the paine of confiſcation of all their moveable gudes, quha dois in the contrair. Iam, 6, p, 12, c, 152. Iam, 6, p, 6, c, 97.

Except Prelates, Lordes, Barronnes and Clerkes, quha may ſende their awin gudes with their ſervandes Iam. 3 p. 2. c. 11. Iam. 6. p. 12, c. 152,

Na perſon dwelland out-with Burrowes, may vſe ony merchandice, nor tap nor ſell Wine, waxe, ſilkes, ſpicers, wad, nor ſik-like ſtuffe, nor zit ſtaple gudes. Iam, 4, p, 6, c. 84.

Merchandes ſuld not be Craftſ-men. Iam. 3. p: 2: cap. 12. Iam, 3 p. 14. c, 107. They ſuld bring hame harneſſe, and armour, with ſpeares, ſchafts, bowes and ſtaues. Iam. 1. p. 3. c. 47. And Hag buttes. Iam. 5. p. 7. c. 95. They ſuld not ſaill bot twiſe in the zeir to Flanders. Iam. 5. P. 4. c. 30.

Merchandes ſtrangers cummand to free portes, in the Weſt ſeas, quhat they ſuld bye and ſell. Ia. 6. p. 7. c. 120. *vide* Schippes.

All perſones free-men or vn-free-men, exercing merchandice within Burgh, ſalbe ſubject to watching and warding, and all ſervice pertaining to the King, and the weill of the Burgh. Iam. 6. parlia. 12. c, 153.

Merchandes ſuld not pley againſt vther Scottes merchandes bezond ſea, bot before the Conſervatour of this Realme. Iam. 4. p. 6. ca. 81.

Merchand gudes ſuld be weill ſtalled, and ſuld not be fured vpon the Over-loft of the Schip: They ſuld pay to the ſuſtentation of the Kirk: Na drink-ſilver ſuld be given. Iam. 3. p. 2. c. 14. Iam. 3. p, 14. c. 109.

Merchandes deceaſand in forreine Cuntries, their teſtament ſuld be confirmed, and actiones perſewed within this Realme. Iam. 1. p. 6. c. 88.

They ſuld land at the ordinar Staple. Iam. 6. par. 15. cap. 258. And giue vp an Inuentar of their gudes to the Conſervatour. Iam, 6. p. 15. cap. 260.

Meſſe-ſayers or hearers, ſuld be puniſhed. Iam. 6. par. 1. cap. 5. And all hearers of Meſſe, and concealers of the ſamin, ſuld be puniſhed to the death, and be confiſcation of their moveables, Iam. 6. p. 14. c. 193.

Sayers of Meſſe, Ieſuites, Seminarie-prieſtes, trafficquing Papiſtes, and their receipters, committis treaſon. Iam. 6. p. 12. c. 120. Iam. 6. p, 13. c. 164.

Meaſures, mettes and weichtes Iam. 1. p, 4. c. 68. 69. 70: They ſuld be all of ane quantitie. Fermes ſuld bee payed with the new mette, proportionallie to the availl of the auld. Iam. 4, p, 6, c, 96.

Three ſtanderds ſuld be maid of meaſures, and ane to be ſent to Aberdene, ane to Striviling, and ane to Edinburgh. Iam. 2. p. 14. c. 74. All weichtes and meaſures ar ordained be certaine Commiſſioners. Iam. 6. p. 11. c. *vlt*, Iam 6. p, 7, cap. 108. The ſtanderd, and iuſt meaſure of Salmond ſuld remaine in Aberdene. And of herring and quhit-fiſh in Edinburgh. Iam. 6. p. 8, cap. 141. Iam, 5, p. 7. c. 109. Iam, 6. p 4. c. 57. Metting of woollen claith: *vide* Claith, *vide* Wooll.

Millers that ſettis Creilles and Nettes in dammes, milne landes and waters, ſuld be puniſhed, Iam, 4, p. 2, c. 15. Iam. 6. p. 6. c, 89.

Miniſters ſuld be admitted be the Kirk allanerlie. Iam, 6. p, 1, c. 7. They ſuld haue the Thriddes of all benefices: Nothwithſtanding ony charge thereof given be the Queene, vntill they be firſt ſatisfied of their ſtipendes, and the reſt thereof, and ſuper-plus, to be applyed to the Kingis vſe, Ia. 6. p. 1: c: 10. Iam, 6: p: 12. c. 121.

Ilk Paroch Kirk ſuld haue ane Miniſter, with ane ſufficient ſtipend, Iam. 6. p. 7, c, 100.

Miniſters, and nane vthers ſuld be preſented to Biſhopprickes. Iam. 6. p. 15. c. 231.

Miniſters provided to benefices, vnder Prelacies; may not ſet fewes, tackes, or vther diſpoſitiones, in prejudice of his Succeſſour, Iam. 6. p. 7. c. 101,

All benefices of cure vnder Prelacies, ſuld be given to miniſters. Iam. 6, p. 7. c. 102. Speciallie of benefices within zeirlie rente of three hundreth markes. Iam. 6. p, 1. c. 20. And perſonages and vicarages. Iam. 6. par. 13. c. 163. *vide* bene-

benefices. And al benefices of cure, being disponed to them, suld be free of the first zeires fruites, and fifth pennie. Iam. 6. p. 11. c. 26. Ministers suld giue vp the rentall of the Temporalitie of befices. Iam. 6. p, 15. c. 244.

All persones, quha invadis, or puttis violent hande on Ministers, suld be punished, Iam, 6, p, 11, c, 27

Ministers may be deprived for none-residence, and sindrie vther causes. Iam. 6, p. 8, c, 132. Quhilk Act, is vnderstand of all Prelates, and vthers inferiour Ecclesiastical persones. Iam, 6, p, 11, c, 28,

And suld not be extended to Lordes of secreit Counsell, Lords of Session, and certaine vthers. Ia. 6, p. 11. c. 32. *vide* Benefices.

Ministers stipendes suld conteine the particular names of landes, tennentes, and vthers dewties. Ia. 6. p. 12. c. 140.

They suld be free of all taxationes and impositiones. Iam. 6. p. 13. c. 162.

Ministers provisiones, suld not be prejndged be particular actes of Parliament. Iam. 6. p. 13, c, 162. c. 163. Ministers being presented to Bishoppricks or vther Prelacies, suld haue voite in Parliament. Ia. 6 p. 15. c. 231. Ministers suld be presented to commoun Kirks. Ia. 6. p, 14. c. 196. Landes, annuelrents, teind sheaues & vther emoluments, erected for Ministers stipendes within Burgh, ar not cõprehended vnder the annexatiõ of Kirk-lands. I 6. p, 11 c, 29 Ministers may not be judges, I. 6. p. 8. c, 133. members of court, or Notars, except in testamentes.

Minor, or childe within age, quha stealis, pikis, breakis orchardes, zairds, or committis ony sik fault, their fathers or maisters, sall pay the skaith, Or deliver the Childe to the judge, to be leiched, scourged, or dung, according to the fault, because they may not be punished for none-age, Iam. 4, p. 6. c. 69.

Minor being enormelie hurt, within his minoritie, be dispositiõn of his heretage, may revoke at his perfite age. Ia. 4 p. 4. c. 51. Iam. 5 c. 6. c. 70.

Minor being passed the zeires of his tutorie, is vnder curatorie, vnto his perfite age of twentie ane zeires compleit. Mar. p. 6. c. 35.

Minors deceasand intestat, their gudes sall not be given to ane executour Datiue, bot to the nearest of their kin. Ia. 5 p. 7, c, 120. The aire being Minor, suld be susteined he the life-renter, or conjunct-feare, or be the wardatar, vpon the wardelands, gif he hes na blanchferm nor fewferm lands Ia. 4. p, 3. c. 25. The remeid granted to minors, in their minoritie, be decreetes given against them, of double poynding, not compeirand. Ia. 6. p 9, c. 3.

Mittalles and vther fowles of riese, suld be destroyed. *vide* Fowles of Riese.

Monkes pertiones, ar ordained to be taken vp bee the Thesaurar, Iam. 6. p, 8. c. 137. All dispositiones thereof ar revoked. Iam 6. p, 11, c, 31. The Thesaurar suld intromet and make compt of the saidis portiones, first fruites, and fifth pennies. Iam. 6 p, 12. c. 126. All giftes, and Monkes portiones, suld conteine speciall landes, tennentes, and dewties. Iam. 6. p. 12. c. 140.

Molestation. *vide* Actiones: *vide* Cognition.

Money. The valour and price of money, and sindrie kindes thereof. Ia. 2. P, 13, c. 59: Iam. 3. P. 3. c. 18. Ia: 3. p. 4. c. 21. Iam, 3. p 8, c. 67. Ia. 4, p, 2, c, 17, Iam. 3: 4. c. 23. Ia, 3, P, 13 c. 93. Ia, 3, P, 8, c. 64. Iam. 6, p, 7, 24 October. 1581:

Money suld not be caried furth of the realme. Ia, 3. P, 1. c. 8. Iam. 1, p, 6, c. 84. Iam. 1 p, 3. c 49, Iam. 1 p, 13. c. 148. Iam, 2, p, 6, c, 29, Iam 3. p. 1. c. 8. Iam. 3. p. 4, c. 23, Iam. 4. P, 6. c, 68. Iam. 5, p, 7, c, 108. Iam. 6 p, 15: c. 249. All pecuniall paines of offenders, salbe taken vp in gold and silver, at the availe of the money quhen the Actes were maid, or else augmented in the money now current. Ia, 6, p, 11, cap, 70. Lay money ordained to be cuinzied I, 31 P, 1. c, 9, Quhilk suld be done with consent of the three Estaites Ia, 6. p. 1, c, 17.

Lay, or black money suld not be received or brocht within the Realme, and the Kingis black money allanerlie, suld be taken in payment. Iam, 3, p, 5, ca. 40. Lay money, sik as plackes, suld be brocht to the cuinzie house. Iam. 3, p. 13. c. 97.

Money suld not be melted or broken down. Ia, 6, p. 1, c, 17. Iam. 3, p, 8, c: 65. Money cuinzied, not being of just weicht, the cuinziecur thereof salbe punished to the death. Iam. 4, p, 2, c, 17.

The valoure of money, suld in the Cuinziehouse, suld be modified be Gold smithes: Iam. 4, p, 2, ca. 17. The valour and prices of sindrie speces of gold and silver, Iam, 6, p, 15, c. 249.

Maister of cuinzie suld be ane substantious man, and sall forge money to serue the Kingis Lieges. Iam, 4, p. 2. c. 17. Money may be stricken be the King, quhen he thinkis the same speedeful and profitable, Iam. 1, p, 1, c, 23. Quhilk command suld be vnder the great seale. Iam, 2 p, 6. c, 29.

Money suld be stricken in like weicht and finesse, conforme to the money of England. Iam. 1, p, 1, c, 23 Quhilk is done be command of the three estaites, in divers kindes of cuinzie. Ia. 2 p. 8. c. 33. Ia, 3. p. 13, c. 93 Iam. 4, p, 1, c, 2, Money being cryed downe to ane lawer price, payment suld be maid conformẽ to the valour of the samin money, before the downe-crying thereof. Iam. 3. p. 3. c. 20.

Money of vther realmes suld not haue course with in this realme. Iam. 6 p. 15, c, 249.

Money in vther realmes, Iam. 6, p. 1, c. 17. The The money of the realme being altered in valoure, and cried vp, paymentes of debtes suld be maid, conforme to the valoure of the money, before the raising thereof. Iam. 2, parliament, 8, c. 36, Iam, 3 p, 3, c, 19. Iam, 3, p, 4. c. 23. Iam. 3. p. 8. c. 68. *vide* Payment. The Kingis money, allanerlie sall haue course within the Realme. Iam. 3. p, 5, c 40. Iam, 3, p 4, c, 23.

Money, albeit it be cracked or flawed, suld haue course, and suld not be refused. Iam. 4, parliament 6, c. 97.

Multure suld not be taken of flowre that cummis to the mercat. Ia, 4, p. 4, c, 44.

Mure cockes forbidden to bee slaine. *vide* Wilde. Fowles.

Mure burne is forbidden. Iam. 1, p, 1. cap. 20. Iam, 4, p, 4. c. 48.

The vnlaw thereof. Iam, 4. par, 6, c, 71. Iames the

Fifth.p.4 c.10.Iam.6.p.6.c.84.
Muſick ſchuilles, *vide* Schuilles
Mutilation: *vide* Slauchter.
Mutton ſuld cum to the mercat, with hide, skin, and birne. Mar.p.9,c.85.
Mines of gold and ſilver perteinand to the King. Iam 1.p.1.c.12.
Mslnes, breakers thereof; ſuld be puniſhed to the death as thieues. Iam.6.p.11.c.82.

N.

NOlt and Scheepe: *vide* Catte l.
Northland-men bezond the month, ſuld big Caſtelles, and dwell therein. Iam.1.p.5.c.82.
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Ouir Lord, and ſuperiour, ſuld receiue the creditour, or ony byer of compriſed landes, tennent to him, for ane zeires maill. Ia.3.p.5.c.36. He being charged be his tennent, and not enterand to his ſuperioritie, within fourtie daies, tinis the ſamin, & ſatisfies the partie. Ia.3.p.7.c.57. He ſuld not receiue double reſignations. I,5,p.7,c.105. The ſuperiority of lands, halden of Friers, Priores, Prioreſſes, Nuns, perteinis to the King & his ſucceſſoures, Ia.6.p.2.c. 38. The ſuperioritie & rennendrie of al Kirklands hauchfullie diſponed in heretage, perteinis to the King, be the acte of annexation, like as the ſamin perteined before the ſame, to ony Eccleſiaſtical perſon, diſponer thereof Ia.6.p:11,c.29.
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Papiſtes, and all perſones ſuſpect of Papiſtrie, ſuld bee admoniſhed to giue confeſſion of their faith. Iam. 6,p,3.c.45. They ſuld be ſummoned be all Presbyteries, and their names preſented to the priue Councel, and being diſobedient, ſuld be denunced rebelles. I,6.p.14,c,194.
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Small Barronnes and free tennentes, may ſende Commiſſioners. Iam. 1. p. 7. c. 101. Quha hes not ane hundreth markes. Iam, 4, p, 6, cap. 78 Iam. 6. p 11, c, 113. Their Commiſſion ſuld be authentick and ſufficient. Iam, 6, p, 15, cap, 272. The arrayment of ilk eſtaite in Parliament. Iam, 2, p, 11, c, 47. Quhairof the King ſuld cauſe make ane Patrone. Iam, 2, p, 14. c, 69. Iam. 6. p, 11, c, 36,
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Deciſions given in Parliament, may not be impugned be inferiour judges. Iam. 6. p. 11. c. 39.
It is treaſon to impugne the authoritie or dignitie of the Parliament, and three Eſtaites, or to procure alteration thereof. Iam. 6, p, 8, c. 130. Libertie of voiting, ſuld be granted to the three Eſtaites. Iam. 6. p. 11. c. 40. Na man ſuld make onie trouble for prioritie of voite or place, Ia. 6. p, 11, c. 41. Troublers of Parliament puniſhed as traitoures Iam. 6, p, 13, c, 173.
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In Parliament, all men ſuld take vpon them, the office or place of the eſtaite, quhairin they take them ſelfe to liue, and quhairof they take their ſtile. Ia. 6. p. 11, c. 33.
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Quhen Kirk-men ſettis teyndes for maa zeir nor three, the patrons conſent is required thereto. Ia. 6. p, 14. c. 200.
All Patrones of Proveſtries, Prebendaries, Alterages, or Chaplanaries, gif they pleaſe, may Preſent the ſame to Burſars within Colleges. Iam. 6, p, 1, c. 12, Ia, 6, p, 12, c, 158.
Laick Patrones cannot be prejudged in their patronage be lang poſſeſſion of Kirk-men: Notwithſtanding, of alienation of lands, maid be them, vnder reverſion, and conforme thereto, lauchfullie redeemed Ia. 6: p. 11. c. 61. All infeftmentes giuen be the King, with Patronage of Kirks, quhilk perteined before to the King, in that part, ar null. Iam: 6. p, 13. c. 172.
Benefices of Laick Patronages, ſuld not pay to the King the firſt zeires fruites, nor the fifth pennie. Ia. 6, p. 8. c. 137.
Landes, annual-rentes, nor vther emoluments perteining to laick patronages, ar nocht comprehended vnder the annexation of Kirk-landes. Iam. 6. p. 11. c. 29,
Patrons ſuld preſent Miniſters to commoun Kirks. Iam. 6. p. 14. c. 196.
Payment of all debtes, after the money is cryed vp, how and with quhat kinde or valour ſuld be maid. Ia 2 p. 8. c. 36. Iam: 3. p. 3. c: 19. Ia. 3. p. 4. c, 23. Iam. 3. p. 8. c. 68. And ſik lik, quhen the money is cryed downe: *vide* Money.
Paine, or pecuniall paine. *vide* Vnlaw.
Peace ſuld be obſerved throch all the Realme. Iam. 1. p. 1, c. 2, The Kingis peace ſuld be ane aſſurance to all men. Iam. 2 p. 6: c. 13. ſuld be maid and keiped amangſt all the Lieges. Iam. 3. p 13. c. 92. Iam. 4. p. 2. c. 8. Breakers thereof, ſuld be puniſhed, be tinſell of life and gudes perteining to the treſpaſſour, at the Kingis will. Iam, 1. pa, 3. c. 51. Iam. 2. p. 6: c. 13 Iam. 2 p 14. c. 83.
King Iames the Thrid, makis peace and concorde amangſt his lieges. Ia 13. p. 13. c. 92.
Pealers of the Barke of trees: *vide* Dittay.
Peaſe and Beanes ſuld be ſawen. Iam. 2 parliament 14. c. 82.
Penſiones of Benefices ar forbidden Iam. 1. parli. 1. cap. 14. At the inſtance of the titular of ane benefice, burdened with ane penſione confirmed, the Penſioner ſuld produce the originall gift thereof, to the quhilk the confirmation is relatiue. Iam. 6. p, 11. c. 62. Penſiones given furth of the thriddes of benefices, ar null. Iam. 6. parli, 15, Cap. 240.
Penſiones, tackes, life-rent diſcharged of the ſuper-plus of the thriddes, ar ordained to be null. Iam. 6. p. 12. c. 121.
Penſiones given furth of the Temporalitie, or Spiritualitie of benefices, not confirmed with decreet, or poſſeſſion: ar null. Iam, 6, p, 12: c, 137. And all penſiones given furth of Kirk-landes annexed, authorized be ane decreete or poſſeſſion, ar accepted furth of the annexation of Kirk-landes. Iam. 6. p. 11, c, 29.
All penſiones ſuld conteine particular aſſignations. Iam, 6, p, 12, c, 140.
Perſone, Perſons of all Paroch Kirkes, ſuld finde bread and wine to the Communion. Iam. 6, parliament 3, c, 54.
Perfite age anent the warde of landes, and entreſſe thereto of aires maill, is xxj. zeir, and of aires ſemall, xiiij zeires. Mar. p. 3. c. 5.
The perfite age of the Queene mother, is after xxj. zeires compleit. Mar. p. 10. c. 87. And ſik-like of King Iames the Sext, and his Predeceſſoures Iam. 6. p. 11 c. 22.
Periurie is puniſhed be confiſcation of all guds moue able, warding of their perſones zeir and day, and langer, during the Kingis will, and be the paine of infamie: That is, never to bruik office, honour, dignitie, nor benefice. Marie, Parliament, 5, Capit 19.

Fifth.p.4 c.10.Iam.6.p.6.c.84.
Muſick ſchuilles, *vide* Schuilles
Mutilation: *vide* Slauchter.
Mutton ſuld cum to the mercat, with hide, skin, and birne. Mar.p,9,c.85.
Mines of gold and ſilver perteinand to the King. Iam 1.p.1.c.12.
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All Patrones of Proveſtries, Prebendaries, Alterages, or Chaplanaries, gif they pleaſe, may Preſent the ſame to Burſars within Colleges. Iam, 6, p, 1, c. 12, Ia, 6, p, 12, c, 158.

Laick Patrones cannot be prejudged in their patronage be lang poſſeſſion of Kirk-men: Notwithſtanding, of alienation of lands, maid be them, vnder reverſion, and conforme thereto, lauchfullie redeemed Ia. 6: p. 11. c. 61. All infeftmentes giuen be the King, with Patronage of Kirks, quhilk perteined before to the King, in that part, ar null. Iam: 6. p, 13. c. 172.

Benefices of Laick Patronages, ſuld not pay to the King the firſt zeires fruites, nor the fiſth pennie. Ia, 6, p. 8. c. 137.

Landes, annual-rentes, nor vther emoluments perteining to laick patronages, ar nocht comprehended vnder the annexation of Kirk-landes. Iam. 6. p. 11. c. 29,

Patrons ſuld preſent Miniſters to commoun Kirks. Iam. 6. p. 14. c. 196.

Payment of all debtes, after the money is cryed vp, how and with quhat kinde or valour ſuld be maid. Ia 2 p. 8. c. 36. Iam: 3. p. 3. c: 19. Ia. 3. p. 4. c, 23. Iam. 3. p. 8. c. 68. And ſik lik, quhen the money is cryed downe: *vide* Money.

Paine, or pecuniall paine. *vide* Vnlaw.

Peace ſuld be obſerved throch all the Realme. Iam. 1. p. 1, c. 2, The Kingis peace ſuld be ane aſſurance to all men. Iam. 2 p. 6: c. 13. ſuld be maid and keiped amangſt all the Lieges. Iam. 3. p 13. c. 92. Iam. 4. p. 2. c. 8. Breakers thereof, ſuld be puniſhed, be tinſell of life and gudes perteining to the treſpaſſour, at the Kingis will. Iam, 1. pa, 3. c. 51. Iam. 2. p. 6: c. 13 Iam. 2 p 14. c. 83.

King Iames the Thrid, makis peace and concorde amangſt his lieges. Ia 13. p. 13. c. 92.

Pealers of the Barke of trees: *vide* Dittay.

Peiſe and Beanes ſuld be ſawen. Iam. 2 parliament 14. c. 82.

Penſiones of Benefices ar forbidden Iam. 1. parli. 1. cap. 14. At the inſtance of the titular of ane benefice, burdened with ane penſione confirmed, the Penſioner ſuld produce the originall gift thereof, to the quhilk the confirmation is relatiue. Iam. 6. p, 11. c. 62. Penſiones given furth of the thriddes of benefices, ar null. Iam. 6. parli, 15, Cap. 240.

Penſiones, tackes, life-rent diſcharged of the ſuper-plus of the thriddes, ar ordained to be null. Iam. 6. p. 12. c. 121.

Penſiones given furth of the Temporalitie, or Spiritualitie of benefices, not confirmed with decreet, or poſſeſſion: ar null. Iam, 6, p, 12: c, 137. And all penſiones given furth of Kirk-landes annexed, authorized be ane decreete or poſſeſſion, ar accepted furth of the annexation of Kirk-landes. Iam. 6. p. 11, c, 29.

All penſiones ſuld conteine particular aſſignations. Iam, 6, p, 12, c, 140.

Perſone, Perſons of all Paroch Kirkes, ſuld finde bread and wine to the Communion. Iam. 6, parliament 3, c, 54.

Perfite age anent the warde of landes, and entreſſe thereto of aires maill, is xxj. zeir, and of aires ſemall, xiiij zeires. Mar. p. 3. c. 5.

The perfite age of the Queene mother, is after xxj. zeires compleit. Mar. p. 10. c. 87. And ſiklike of King Iames the Sext, and his Predeceſſoures Iam. 6. p. 11. c. 22.

Periurie is puniſhed be confiſcation of all guds moue able, warding of their perſones zeir and day, and langer, during the Kingis will, and be the paine of infamie: That is, never to bruik office, honour, dignitie, nor benefice. Marie, Parliament, 5, Capit 19.

Perſewer, not compeirand to perſew his ſummondes payis the expenſes of his partie, and fourtie ſhillinges to the Lords, before he be heard to perſew. Iam.4.p.3.c.35. Perſewer, being foundin in the wrang, in perſewing of ane aſſiſe for errour, ſall pay to the King, ten pound, and the expenſes, to the defender. Iam.3 p.6.c.47. And in all actiones before the Lordes of Councell, he being found in the wrang, ſall pay fourtie ſhillinges to the King, and the expenſes of the partie, at the modification of the Lordes. Iam.3.p.6.c.49.

Quha perſewis ane vther of thieft innocently, payis to him, Ten pound. Iam.5.p.1.c.2. Perſewer in criminall cauſes, ſuld haue Caution to report the letters, and perſew. Iam.5.p.4.c.34. Iam.6. p.6.c.78.

And that he ſall keipe the number of the prelocutours, preſcrived in act of Parliament. Iam.6.par.8. c.140.

And perſewand wrangeouſlie, ſuld pay ten pounds Iam.5.p.4.c.34. The perſewer, in cauſe of treaſon, failzieing in improbation, committis treaſon Iam.6.p.11.c.49. The perſewer of innocent perſones, quha ar acquit, payis ane certaine ſumme to be divided betuixt the King, and the partie. Ia. 6.p.6.c.78.

The perſewer ſuld not informe the aſſiſe, being incloſed: And gif he, or ony vther dois in the contrair, the defender ſuld be clenged. Iam.6.p.11, cap.91.

The perſewer ſuld haue with him at the Bar, foure friendes allanerlie. Mar.p.6.c.41 *vide* Courtes.

Compting therein his prelocutoures. Iam.6.p.8.ca. 140.

The perſewer ſlayand, hurtand, or invadand, the defender tinis his cauſe, and the defender ſuld bee abſolved *ſimpliciter*. Iam.6.p.8.c.138, Iam:6.p.14. c.219.

All crimes, ſik as ſlauchter and vthers, may be perſewed at the Kingis inſtance allanerlie. Iam.1.p13. c.140. Ia 6:p.11.c.76. *vide* Crimes.

Pertrickes forbidden to be ſlaine: *vide* Fowles. Mar.P. 6:c.51.

Peſtilence, the rule and governance thereof. Iam.2.p. 13.c:58.

Pilgrimage to Chappelles, Welles and Croces, is diſcharged and puniſhed. Iam.6.p.7.c.104.

Piſtolettes, dagges, Culueringes, ar diſcharged: Iam:6. P.1.c.18: Iam.6.P.6,c.87. Ia,6.p.15.c.248.

Planting of wood, ſuld be maid be ilk Lord and Barronne. Ia.4.P.6,c.74. Iam.5.P.4.c.9.

Parkes, haninges within dikes: ſuld not be ranged without licence of the awner. Mar.p.7 c.51,

Planting ſuld not be deſtroyed: Iam.6.P.6,cap 84.

Pleges ſuld be found be all Captaines, chiefes of all Clannes on the Bordoures and Hie-landes. Iam.6. P.11.c.94.

Ane Regiſter ſuld be maid of all pleges, and of the perſones for quhom they lye, Iam, 6:par.11. ca. 96.

Pleges ſuld be found be vagaboundes. Iam.6.p.11, Cap,97. Diverſe pleges found be diuerſe men, to ane effect, ar all conjunctlie obliſhed. Iam. 6.p,11,c,99.

Pleges of the Bordoures, ſuld be placed in the north ſide of Forth, and the Hie-land pleges, on the South ſide thereof. Iames the Sext, Parl, 11.c.106.

Pleges ſuld be delittered be thieues and Sorners, to them quha hes ſuffered the skaith. Iam.6.p.14.c: 227. *vide* Caution.

Pleuch, Deſtroyers and cutters of Pleuch, or Pleuch geare: *vide* Thieft.

Pluvers: *vide* Wild-Fowles.

Poynding for mailles & annuelles, ſuld be differred to the thrid day after Whitſunday, and Martin-mes. Iam.3,P,5,c,34. The tennentes gudes may not be poynded for his Lordes debtes, furder nor ane termes maill. Iam,3,p,5,c,36.

But the Lords moveable gudes ſall be poynded, & failzieing thereof his lands compriſed. I.3,p.5.c.36

The Schireffe, baith Ordinar, and in that part, for execution of their office, in diſtreinzieing of perſones, for ſummondes recovered, ſuld haue twelue pennies for ilk pound. Iam.4,p.6 c.66.

Horſe, oxen, or vther guds perteining to the pleuch, may not be poynded, in time of labouring of the ground. Iam,4.p,6.c,98.

Letters of poynding or horning, ſuld be direct, at the deſire of the partie, for execution of all decreits Ia.6,p,8,c,139.

In actiones of double poynding, the partie ſummoned, and not compeirand in the firſt inſtance, ſuld not be heard in the ſecond inſtance. Iam.6,p. 10,c.19 Iam.6.p.9 c,3.

The Temporall Kirk-landes, may not be poynded be the Lordes of Seſſion, for their contribution. Mar,p 2 c.2.

Poyſon ſuld not be brocht hame, nor bocht be ony indweller within this realme, or be ony ſtranger, vnder the paine of treaſon. Ia.2.p.6,c,31,32:

Precepts of ſaiſing: *vide* Saiſing. All precepts furth of the Chancellarie, vpon retoures, ſalbe direct to the Schireffe, and vther judges Ordinar, with the clauſe, *Capiendò ſecuritatem*. Ia.6.p.12,c.124.

Prenters ſuld not prent ony buikes, or vther thing, bot that quhilk is viſied and tryed, havand the Kingis licence. Mar.p.5.c:27.

Preſcription of zeir and daye, in reduction of decreetes. Iam.2,p.6,c.30. Within zeir and day, the creditour may not perſew the aire, of ony defunct perſon. Iam,4.p,6.c,76. After zeir and day, the creditour may charge the aire, to enter within fourtie daies: *vide* Aires. The liſe-rent of him quha remained zeire and day at the horne, perteinis to his ſuperiour. Iam,5.p.4.c,31. Ia,6,p,3,c,49. Hee quha havand title, is in poſſeſſion of lands zeire & daye, may not be remooved therefra be ane vther alſo, havand title from the ſamin author. Iam.5.p. 7,c.105.

Of three zeires againſt the ſummondes of errour, and inordinate proceſſe and retoures. Iam.4.p.5.c. 57. Of three zeires in actiones of ſpuilzie, ejectiones, and vthers of that nature. In actiones of removeing of debt for houſe mailles, mennis Ordinares, ſervandes compts. Iam,6.p,6,c,81,82.83.

Of fiue zeires poſſeſſion, in favours of the King, in landes and poſſeſſiones cum in his handes, for forefaltour. Iam. 6. p. 9. c. 2. Of ſeven zeirs anent redemption of compriſed landes. Iam. 3. p. 5 c. 36: Ia. 5. p. 7. c. 106.

Of fourtie zeires againſt all perſonall obligationes. Iam. 3. p. 5, c, 28. And ſik like, anent production of procuratoures or infeftments of reſignation, preceptes of *clare conſtat*, precepts of ſaiſing of landes or annual-rentes Iam. 6, p. 14. cap. 214.

Preſentation giuen to the King, to immediat ſuperiors, of forefalted landes: Neither the perſon preſented, nor the vaſſall of ony fewer forefalted, ſuld produce the acquittance of the mailles, of zeires preceeding. Ia 6 p. 9. c. 2. Preſentation of heretable tennentes to Landes, cummin in the Kingis handes be baſtardrie, forefaltour, or as laſt aire, nawaies cummis vnder the Kingis revocation. Iam. 6. p. 11: c. 31.

Preſentaton of benefices of cure, vnder Prelacies, to Miniſters ſubſcriued be the King, and Secretar allanerlie, is ſufficient. Iam. 6. p. 11. c, 26.

Preſentation of benefices, ſuld be direct be the King, and laick patrones, to the Presbyterie, quha ſuld giue collation therevpon. Ia. 6. p. 12. c. 114.

Prince of Scotland, is Duke of Rotheſay, and Stewarde of Scotland, and the tennents of the principalitie, ſuld anſwere in the Parliament, and juſtice aires, vntill ane Prince be borne, to anſwere for them. Ia. 4. p. 2. c 16. *vide* King. Al diſpoſitiones of lands perteining to the Prince, or to the Kingis Seconde Sonne, ar revoked. Iam. 6. p. 11. c 31.

Probation of ane acception, being admitted to be proven be writ, the proponer thereof, ſuld produce the writ, in the terme of probation, or doe diligence therefore: and failzieing thereof, the terme ſuld be circumduced: The Lords ſuld declare how meickle ſuld be prouen be writ. And it is leaſum to the partie to obiect *contra productas*. Mar. p. 7. c. 63.

The probation of the crime, and inſtruction, ſuld be deduced before the aſſiſe, in preſence of the partie. Iam. 6. p. 11. c. 90.

Proces, and forme thereof, Iam: 1. p. 6, c, 86. Ia. 2. p. 14. c: 63. Proceſſe of recovering of annual-rentes within Burgh. Iam. 4. p. 2. c. 20. The expenſes quhilk ſuld be given to ane judge, for extracting of ane proceſſe. Iam. 4 p 6. c. 67. Ia. 6, p. 12. c' 124.

Temporall judges in perſonall actiones, ſuld vſe ſik proceſſe, as is vſed before the Lordes of the Seſſion. Ia. 5. p. 6. c. 72.

Procuratoures, *vide* Advocattes.

Protection giuen be the King: *vide* King.

Protocolles of Notars: *vide* Notars: *vide* Saiſinges.

Price of all victualles, and craftes-mennis fees, and warkes, ſuld be maid be Barronnes and officiares within Burgh. Iam. 4. p, 5. c. 56. And be the Towne of Edinburgh, and Commiſſioners adioyned to them be the King. I. 5 p. 4. c. 29. Price of fiſh ſuld be maid be the officiares within Burgh. Ia. 5. p, 7, c, 98. And ſik like of wine, ſalt, and timmer, brocht in be ſtrangers. Iam, 5. p. 7. c. 100. Mar. p. 5. c. 11. Mar. p. 6. c. 57. Ia, 6, p. 11. c. 53. Of wilde and tame meattes. M. p. 5 c. 12. Of craftesmennis work, and of meate and drinke in Tavernes. Mar. p. 5. c. 23. Of victualles, and all ſtuffe, quhilk ſuld be maid be all Earles, Lordes, Barronnes, within the royaltie and Regalitie, and be officiares within Burgh. Iam. 6. p. 7. c. 121. *vide* Wine,

Purpriſion: Na man inferiour to ane Barronne, may be judge in the cauſe of purpreſture. Iam. 3: p. 10. c. 79.

Pykes taken furth of Stanckes *vide* Dittay.

Q.

Queene, to her the lieges ſuld make ſik ane aith, as they make to the King. Iam. 1 p, 8, c, 109. Ia. 1. p, 12, c, 136, The thrid of the Kingis landes and cuſtomes, perteinis to the Queene, at her dowrie, and terce. Iam. 3. p, 1, c, 2. Queenes of Maij ar forbidden, Mar p. 6. c, 61,

Quheate, peis, and beanes ſuld be ſawen. Iam. 2, p, 14, c, 82. Na man ſuld ride not gang vpon Quheate, na time of zeir. Mar, p. 6. c. 51,

R.

RAES, Rae-buckes, and ſlayers thereof: *vide* Dittay *vide* Wilde beaſtes.

Ranſon promiſed be leill men to thieues, is diſcharged, as vnlauchfull. Iam, 6. p. 1. c. 21.

Rebelles, being receipt within Caſtelles, ſuld finde caution that the lieges be vn-hurt be them: I. 2 p. 2, c: 3. The life-rent of eſcheit of rebelles, being zeir and day at the horne: *vide* Life renter. Rebelles remaining at the horne as Traitoures, ſuld be committed to warde. Iam. 6. p. 22. c, 124. Rebelles remainand at the horne, al aſſignations or vther richt maid be them, in defraud of their creditour, is null and of nane availl. Iam. 6. p. 12. c. 145. Rebelles, their aires, wiues, bairnes, hes na action civil, or criminall, for ony deede done to them be the Kingis free lieges. Ia, 6, p. 14, c, 227. The names of all rebelles ſuld be proclaimed be all Schireffes, at the mercat croce of the head burgh of the Schire, vpon mercat daies, before the head court, and affixed vpon the mercat croce, and in the Tolbuith, and delivered to the Theſaurar, Ia. 6. p, 6, c, 75.

Recognition, Al diſpoſitiones maid in the Kings minoritie, of lands cum in his hands be Recognition, ar reuoked. Iam. 6. p. 11. c. 31.

Redemption, or quitting of wedd-ſettes, ſuld be payed with ſik money as was lent, or the availe of it. Ia. 2, p. 8. c 36. Landes may be redeemed, be the firſt ſeller, fra ony poſſeſſour thereof. Ia. 3. p, 5. c. 27.

Compriſed landes, ſuld be redeemed within ſeuen zeires. Iam. 3, p, 5, c 36: Iam, 5, p, 7, c, 106,

The forme of redemption of landes, conforme to reverſiones. M. p, 6, c. 30. Gif ane reverſion conteine ony gold or ſilver, quhilk cannot be found or gotten, the lands may be redeemed be payment of vſuall money, in the time of the redemption of the like value, weicht, and fineſſe, with the money conteined in the reverſion. Mar, Parliament. 6. Cap. 37.

Lands be ane laick Patrone, being wedd-set, with advocation and richt of Patronage, quhilk is there after possessed, past memorie of man, be ony Ecclesiastical person, the samin lang possession sall not be prejudicial, after the redemptiō to the said patrō infeft with the richt of patronage. Ia,6.p.11.c,61.

Reduction of decreetes of redemption. Iam.6.p.12.ca. 134. All redemeable annual-rentes, may be redemed be payment of ten marks for the hundreth, Iam.6.p.12.c.135,

In wedd-settes, it is not leasum to take mair for the hundreth pound, then Ten pound, or fiue bolles victuall. Iam.6.p.11.c,52.

Reduction in the second instance of decreetes of double poynding, may nocht be persewed be him, quha in the first instance was summoned, and compeired not. Iam,6.p,10.c.19. Iam.6.p.9.c.3,

Reduction of decreetes of redemption. Iam.6.par. 12.c.134.

Reduction of retoures, and inordinat processe sulde be persewed within three zeires. Ia.4.p.5,c.57.

Reduction of ony decreete, can never be persewed be him, quha after he hes recovered his Adversaries borgh, in the first instance, thereafter absentis himselfe, and returnis to the giving of the doome. Iam.1.p.9.c.117.

Reduction of doome and processe of forefaltour, suld not be for nullitie, of the proces. Iam.6, par.8. cap.135.

Reduction of infeftmentes of Kirk-lands, annexed to the Crowne, is competent to the King, and for quhat cause Iam.6.p,11.c.29.

Reductions of alienation, in defraud of creditours, *vide*. Alienationes.

Regalitie fallen in the Kingis handes, Free-halders thereof sall answere to the King and his justice, Schireffe courtes, Parliament, and generall Counselles as the Free-halders of the Royaltie. Iam.2.p. 6.c.26.

All sik regalities suld be annexed to the Royaltie: Na regalitie suld be granted, bot be Parliament. Iam.2.p.11.c.43.

Regalities confirmed, and abusers thereof punished. Ia.2.p.14.c.73. Officiares, and Lordes of Regalitie, suld cause mak restitution of spuilzied and reft gudes, in siklike maner, as Schireffes suld do. Iam.2.p.5.c.11,

Gif the Schireffe court be vaik, be reason of none compeirance of inhabitantes of the Royaltie, to passe vpon seruing of inquestes and retoures: The Gentles of the Regalitie, may bee warned be the Schireffe, to passe vpon the said inquests. Ia.1, p.9.c.130.

Lordes of Regalitie, may take vp escheittes within the samin. Iam 6.p.6 c.75. Heretable baillies and stewardes of Regalities, ar not prejudged in their richtes or priviledges, be the act of annexation, except the inter changing of their superioritie, quhilk before perteined to the Kirk, and now perteinis to the King. Iam.6.P.11,c.29.

Lordes of regalities, suld cause spuilzied and reft gudes be restored, vtherwaies they failzieing to do the samin: The Schireffe suld cause the same be done within Regalities. Iam.2.p.5.c,11.

Lords of Regalities, may take vp al paines of law-borrowes broken, in sa far as they haue priviledge, be their, infeftments. Iam.3.p.1.c.5:

Lordes and baillies of regalities, suld not sell ony trespassour, nor fine with them, bot sall do justice equallie: Iam.3.p,14.c 98.

Committer of slauchter within royaltie, and flee-and to the regalitie, and taken, suld be send againe to the Schirette. Iam.4 p.3.c.28.

Lordes of regalitie, suld pay to the King, threttene shillinges four pennies, for ilk beggar that is foun-in within their regalitie beggand, contrar the actes of parliament. Iam.4 p.6,c.70.

Of all escheittes of contraveeners of the actes of Parliament, anent cruves, zaires, slayers of read fish and smoltes within regalitie: The thrid part thereof perteinis to the Lord, and twa part to the King Iam.6.p.6,c.89.

The Ministers and inferiour judges of the regalitie, not punishing slauchter within their boundes, ar punished be imprisoning, and vn-law of fourtie pounde, and assithment of the partie. Iam 1.p.6,c: 93. And the Lords of regalitie, ar punished as Schireffes. Iam.1,p.6.c.94. All dispositiones of regalities, maid in the Kingis minoritie, ar revoked, Iam.6.p.11.c.31.

Regent, *vide* Tutour.

Register of reversiones. Iam.3.p.5.c.27. Of the Kingis rolles, Iam.3.p 5.c.39. Of signatoures of the Kingis Patrimonie. Iam.6.p.12. cap,133.

Of respettes and remissiones. Iam.6.p,13.c.169.

Writtes ordained to be registrat, suld not be sealed, Iam.6,p.9.c.4. Of letters of horning, and relaxation Iam.6.p.6.c.75, *vide* Horning.

Regraters, *vide* Forestallers.

Reise committed be ony of ane Clan, ony vther of the samin Clan may be taken and apprehended therefore, Iam.6.p.7.c.112.

Reift gudes may be repeted, and maner thereof. Iam.6.p.11,c,100: *vide* Thieft.

Read fish, suld not be slaine. Iam,6,p,15.c.261. *vide* Salmond.

Relaxation granted to him quha is denunced rebell for slauchter vpon caution, to ane certaine day, and not compeirand to the said day, and therefore denunced ouer againe rebell: All the daies interdicted betuixt the said relaxation, and last horning, ar rekoned daies of rebellion: Mar.p.6,c.31.

Relaxation fra horning, suld be maid at the mercat croce of the Schire, and the samin with the executions suld be registrat tin he Schireffes buikes. I. 6.p.6,c,75,

Relese suld not be componed for, bot compt to bee be maid thereof in the Checker: And the Schireffe or the partie, may be poynded therefore, conforme to the Buike of Resonde. Iam.6 parli. 11,c,73.

Religion, *vide*. Confession of Faith. *vide* Messe.

All Lawes contrair to the Religion, ar abrogat. Ia. 6.p,11,c,23.

Iesuites or seminarie Priestes, suld be punished to the

the death, and be confiſcation of moveable guds, & all receipters, and mainteiners of them, forefaltis their life rentes. Iam. 6 p. 11. c. 24. Hame bringers of erroneous buiks, ſuld be puniſhed, and the buiks be deſtroyed. Iam. 6. par. 11. c. 25. Ieſuites, ſayers of Meſſe, Seminarie Prieſts, traffiqueing papiſtes, and their receipters, committis treaſon. Iam. 6. p. 12. ca. 120 The paine of all prophaners of the Sacramentes, Apoſtates, refuſers to heare the worde, diſperſers of buikes, and perſwaders of men fra the Religion, Iam. 6. p. 11 c. 24.

Remiſſion generall, granted be King Iames the Fifth, to all his lieges. Ia. 5. p. 6. c. 92.

Remiſſiones given be King Iames the Firſt, and anent aſſithment to be maid to the partie. L. 1. p. 2. c. 46. He quha takis him to his remiſſion for thieft or rieſe, ſuld finde caution to ſatiſfie the partie, vtherwaies he ſuld be impriſoned fourtie daies: and thereafter his remiſſione expins. Ia. 2 p. 14. c. 75.

Reſpettes diſcharged and ordained, that they prejudge not the partie. Iam. 3 : p. 13. c. 94. In remiſſiones the greateſt crime ſuld be contained. In the quhilk caiſe, the generall clauſe conteinis all leſſe and inferiour crimes I : m. 4 : p. 6. c. 62.

Remiſſiones, nor reſpettes, ſuld not bee given for ſlauchter, committed be fore-thoucht fellonie I. 4. p. 6. c 63 Iam, 6. p, 13. c. 169. Nor for burning of cornes in ſtackes or Barnes. Iam. 5 p. 7. c. 118.

Remiſſiones and reſpettes ſuld be componed and ſubſcrived bee the Theſaurar, and regiſtrat in his buikes. Iam. 6. p. 13 c. 169.

Remiſſiones and reſpettes granted to ony perſon, paſt to the horne, for thieft or rieſe, ſlauchter, burning, or heir-ſhip, without ſatisfaction maid to the partie: ar null. Iam. 6. p. 8. c. 136. Iam. 6. p. 12. ca. 154. Ia. 6. p. 13, cap. 174.

Remooveing land being ſet to ane be ane vther in few-ferme, & fallen in the Kings hands, be reaſon of ward, the King may not remoove the tennent fra the ſaidis landes. Iam. 2 : p. 14. c. 72. Remooving, inceaſting, and out caſting of tennentes, ſuld be delayed to the thrid day after Whitſunday, and Mertin-mes Iam. 3. p. 5. c. 34. Tennentes of landes fallen in warde, ar nocht removeable therefra, vntill Whit-ſunday nixt, after the falling of the lands in warde: Iam. 4. p. 3. c. 26. Tennentes ſuld be removed without trouble or convocation of the lieges. Mar. p. 3. c. 3.

The poſſeſſour of landes decerned lauchfullie redeemed, may bee decerned to flit and remove. And in quhat caſe he ſuld be halden violent poſſeſſour. Mar p. 6. c. 30.

The forme and maner of remooveing of tennents fra landes and poſſeſſiones. Mar. p. 6. c. 39. All warninges and executiones of the Kings cauſes againſt Ileſ-man, Hie-land men, or Bordourers, may be maid at the mercat croces of the head Burrowes of the nixt Schires in the Law land. Iam. 6 parli. 11, c. 65.

Ane Inlandeſ-man, hauand landes lyand in the Bordoures or Hielandes, occupied be Clanned men, quhom he may not command, obtaining decreet of remooveing, and denunceand them to the horne, ſuld not be anſwerable for their evil doinges. Iam. 6. p. 11. c. 93. c. 107.

Ane man being infeft in landes, halden of the ſuperiour, and in poſſeſſion thereof zeir and day, may not be removed thereira, be ane vther anteriour priuate, and baſe infeftment of the ſamin landes. Iam. 5, p, 7, c, 105.

All men quha maiſterfullie occupies vther mennis landes, ſuld be remooved be himſelfe, his gudes and geare be the Schireffe. Iam. 2 parlia. 14. c. 79.

Tennentes of Kirk-landes ſuld not be remooved for certaine zeires. Mar, p. 9. c 77.

Rentall, or the Kingis rental, in ſetting of his propertie in few-ferme, is vnderſtand to be the dewtie, to the quhilk, the landes ar retoured, or may be juſtlie retoured for the new extent. Iam the Sext, P. 9. c. 6.

The Kingis rentall of his propertie, comprehendis landes, rentes, cuſtomes, burrow-mailles, fermes, martes, mutton, pultrie, avarage, cariage, and vther dewties. Iam. 4. p, 2, c, 10. All poſſeſſoures of benefices, ſuld giue vp ane rental conforme to the firſt aſſūptiō of the 2. part of their benefice. I. 6. p. 5. c. 244

Rentalles of the Kingis propertie, ſet to ony man, and his aires, in few ferme, ar heretable, and being ſet without mention of aires, ar perſonall to the receiver for his life. time allanerlie. I. 6. p. 11. c. 63

Rental of the thriddes of benefices, given vp be the firſt aſſumption, and thereafter altered, or diminiſhed. Iam. 6 p. 12. c. 121.

Ane rentall of all benefices, hoſpitalles, templaries, Kirk lands, tacks, teindes, hoſpitales, and maiſondieus, ſuld be produced before the Kingis Commiſſioners. Iam 6. pa, 12. c. 131. And the Miniſters ſuld giue vp the rentall of the Temporalitie of benefices. Iam. 6, p, 15, c. 244. And the ſamin ſuld be done be all fewers Ia. 6. p. 15 c. 245.

Replegiation of Burgeſſes in juſtice aires: Iam. 4. p, 1. c. 1. Heretable ſtewardes, and Baillies of regalities of Kirk-landes annexed to the Crowne, in quhat maner they may replege ony perſon in civill or criminall cauſes. Iam. 6. p. 11, c. 29.

Reſignation ad remanentiam, being maid be ane procuratour, the procuratorie ſuld be ſealed and ſubſcrived be the reſignant, or gif he cannot write be ane Notar, and being maid be ane reſignant perſonallie preſent, the inſtrument ſuld be ſealed with the reſignantes ſeale, and ſubſcriued as ſaid is. Mar. p. 6, c. 38. Mar. p. 9. c. 81.

Reſpettes, vide Remiſſiones.

Receipters, or aſſiſters of ſlayers of read fiſh, or Salmōd ſuld be puniſhed as the principall malefactoure. Ia. 5. p. 4. c. 15,

And ſik-like of them, quha hes cruves and zaires Iam. 5. p, 4. c. 16.

As alſo the mainteiners and halders of ſtalkers, payis ten pound to the King. Iames the Firſt. Par. 2. c. 36. Receipters of ſpuilzied guds, ſuld mak reſtitution thereof. Iam. 2 p. 5. c. 10. Receipters of rebelles againſt the King, ſuld be foreſalted. L. 1. p. 2. c 37. Receipters, ſuppliers, mainteiners, defenders, favorers, willinglie & wittinglie of rebelles, ſuld be puniſhed to the death, & be cōfiſcation of their moveable gudes. Iam. 5. p. 7. c. 97.

And of thieues in their thieftuous doinges, and may be therefore perſewed civilie, or cuminallie. Iam 6.p.1.c.21.

Receipters of vagabounde denunced rebelles, ſuld ſatisfie the partie, or vtherwaies be puniſhed. Iam. 6,p.6.c.74 Ia.6.p.11,c,97.

Mainteiners, or receipters of thieues, or rivers, not bringand them to the Law, ſalbe airt and pairt of their doinges. Iam.5.p.1.c.2.

Mainteiners and receipters of thieues and rivers, ſal be obliſhed for their doinges. Iam 6,p.11.c.101.

Receipters of them quha committis ſlauchter with in Kirkes or Kirk-zairdes, tinis their life-rents: and all their moueable gudes. Iam.6.p.12.c.118.

Receipters of ſayers of Meſſe, Ieſuites, Seminarie Prieſtes, trafficquing Papiſtes, committis treaſon, Iam.6.p.12.c,120, Ia,6,p,13,c.164.

Receipters, mainteiners, ſuppliers of rebelles remaining at the horne, ar not in *malaſide*, nor incurris na paine, except the denuntiation of horning be vſed at the mercat-croce of the head Burrowes of the Schires, quhair the rebell dwellis. Iam.6,par. 12,c,126.

Receipters of traitors, and vthers rebelles foreſaid, ſuld be put in warde, or expelled furth of the realm Iam,6,p.12,c.124.c,144.

Receipters, ſuppliers or interteiners of Papiſtes, denunced rebelles, tinis their gudes geare, and life-rent. Iam.6.p.14.c.194.

Retoure ſuld conteine the auld and the new availl of the landes. Iam.3.p.7,c.55,

Retoures ſuld be giuen furth be the Schireffes, and vther judges, vpon reaſonable price, without extorſion. Iam,6,p.12,c,124.

Reuerſion is valiable to redeeme the landes fra ony poſſeſſour thereof. Reverſiones may be regiſtrat. Iam,3 p.5.c.27.

Reuerſiones, and all bandes and obligationes maid there-anent, and diſcharges, ſuldbe ſealed and ſubſcrived, Mar. p.6.c,29.

Landes may be redeemed be reverſiones, conteinand gold and ſilver, of ſpeciall valour, price, or cuinzie, quhilk cannot be gotten bee payment of gold and ſiluer vſuall for the time, and of the ſamin valour, and weicht, and fineſſe, conteined in the reverſion. Mar.p.6.c.37.

Reuocation maid be King Iames the Second. Iam,2, p,1,c.2. King Iames the Thrid. Iam.3,p,9,c, 70. King Iames the Fourth. Iam.4.p,1,c,5, Iam,4,p,2,c.22. Iam.4.p.4.c.51. Iam.4.p,6.c. 100. King Iames the Fifth. Iam,5,p.6.c,70. The Queene Mother. Mar.p,6.c.28. Of the Kingis propertie. Iam.6.p,10.c.17. Ane generall revocation, maid be King Iames the ſext. Iam.6.p.11,c,31.

Raviſhing of weemen ſuld be puniſhed, and the committer thereof ſuld finde caution to vnderly the Law. Ia.5,p,7,c.118.

Robert-Huid, Little Iohn, Abbot of Vn-reaſon, Queenes of Maij, ar forbidden. Mar.p,6,c.61.

Rolles ſuld be put in regiſter and buikes. Iam,3,p,5.c, 39. Rolles of the Landes-lordes and Baillies, dwelland in the Bordoures, Hie-landes and Iles Iam,6,p.11.*in fine*.

Roſſe, and Earledome thereof, annexed to the Crowne: quhilk perteinis to the Kings ſecond ſonne, and to nane vther. Iam.3.p,9.c.71, *vide* Annexation:

There ſuld be ane Schireffe in Roſie. Iam.4.p.6. c.61.

Roxburgh ſuld not be helped with victuail, or ony vther ſupplie: Iam.2,p,12.c.52.

Ruikes ſuld not be ſuſtered to big. Iam.1,p.1.c,19.

They and all vther Fowles of rieſe, ſuld be deſtroyed. *Vide* Fowles of rieſe.

Ride and gang ilk man ſuld, with ſa monie as he may ſuſteine, Ia.1.p.1.c,5. Ia.5,p,4.c,27, *vide* Courtes: *vide* Convocation.

S.

Sacramentes ar twa, *viz*. Baptiſme, and the Lordes Supper, quhilk ſuld be miniſtred be them allanerlie, quha hes power, and ar admitted be the Kirk. Ia 6.par.1,c.5.

Profaners of the Sacramentes, ſuld be puniſhed. Ia: 6.p.11.c.24.

Saiſing given conforme to the Brieue of inqueſt, and breaking thereof. Iam.1:p.9.c.127.

Saiſing given be all Schireffes, Stewardes, or Baillies, vpon precepts of the Kingis Chappell, ſuld bee brocht to the Checker. Iam.4.p,6,c.89. Iam.5.p.6. c.79 Iam.6.p.11.c,64.

All ſaiſinges vpon precepts of the Chancellarie, ſuld be given to the Schireffe Clerke, and his deputes, and vther ſaiſinges, be famous Notars. Iam. 5,p.6,c,77. Ma,p,6,c.34.

Saiſinges given vpon precepts, that paſſis not furth of the Chancellarie, ſuld be brocht be the Schireffe Clerke, to the Checker, to remaine in regiſter. Mar. p,6,c,47. Mar.p,9,c,80.

Saiſinges within Burgh, ſuld be given be ane of the Baillies of the Burgh, and commoun Clerke, Iam. 6.p1.c,27.

Inſtrumentes of ſaiſing, ſubſcrived be ane Notar is ſufficient. Ia,6.p.9,c,4.

Saiſinges ſuld be given be Schireffes, and vther judges, upon reaſonable price and expenſes, without extorſion, Iam,6,p.12,c.124.

Salmound ſuld not be ſlaine in forbidden time. Iam.1, p,1,c,19. Fra the feaſt of aſſun ption of our Ladie, vntill the feaſt of Saint Andrew in Winter. Iam,1 p,2.c.35.

For the quhilk, they may be called to particular dyettes. Iam.5 p,4,c:15.

Salmond may be taken at ony time in Tweede or Solway. Iam,1,p,9,c.132. Iam.6.p.1.c.30. Iam.6. p,15,c,261.

And Earles, Lordes, Barronnes, ſuld find caution, Iam,6,p,15,c,261.

They ſuld not be caried furth of the Realme, bot for gold, ſilver, and wine. Iam:1:p.10.c:132.

They may not be ſauld to Engliſh-men, bot for Engliſh gold allanerlie, or may be ſend in Flanders Iam,1

Iam.1.p,13.c.148. The vnlaw of the ſlayers of Salmond, and meinteiners thereof. Iam.2.p.5.c.9. They may be puniſhed be Proveſt and Baillies of Burrowes. Iam.6.p.14 c.224. Creilles, veſchelles, or vther ingines in ſmolt time, forbidden. Iam.2:p, 14.c,87. Iam.3.p.5 c,37. Iam,6,p,6,c,89. Iam,4.p. 6,c,72. The binde of Salmond ſuld be conforme to the meaſure of Hamburgh. Ia.3.p,10,c.76. Quhilk ſuld conteine 14, gallounes. Ia,3,p.14,cap. 110. The maker of the binde, utherwaies payis ane vnlaw of Ten ſhillingis. Ia.4.p 4.c.52. The meaſure of Salmond, ſuld conteine twelue Gallones of the Striviling pint. Ia 6.p.4.c. 57, All perſones claimand richt and priviledge to ſlay fiſh in forbidden time, ſuld ceaſe therefra, vntill their richtes and titles be ſchawen to the King. Ia.4.p,6.c.72.

Salt ſuld not be caried in England, vnder the paine of confiſcation of all gudes moveable. Ia.5.p.4.c.19. Salt to be maid within this Realme. Mar.p.9 c.71. Small Salte ſuld not bee tranſported foorth of the Realme, except be Merchandes of Norway, and vthers of the Eaſt Seas. Iam 6.p,4,c,56. Hame bringers of Salte, may carie away ony kinde of merchandice. Ia.5.p,4,c,24.

Safe-conduct given be the King or Wardaine, and broken be ony man, ſuld be puniſhed to the death. Ia. 3.p,12,c,87.

Schawing of haldings may be vſed be the King, againſt his tennentes. Ia 1 p.1.c.9. And ſik like, all perſones, clairhand heretable richt or tackes, to the Kingis Forreſtes, ſuld ſchaw the ſamin. I.5.p.4.c.11

Schep and Nolt, *vide* Cattell.

Schipp-men ſuld not ſaill with ſtaple gudes, fra the feaſt of Simon and Iude, to Candle-mes Ia.3,p,2,c,15. They ſuld not ſaill to Bruges, Swyne, Dam, or Sluce, as Staple. Ia,3,p,2,c.16. Bot they may ſaill to the Rochell and Burdeaux. Ia.3,p.2.c.17.

Schippes, anent Schip wrack of ſtrangers within this Realme, the ſamin Law ſalbe keiped to them, quhilk is keiped in their Cuntries to Scottes-men. Ia 1.p,9,c,124. Frauchting and laiding of Schippes ſuld be keiped be the maiſters, and officiars of Burgh Ia.3,p,14,c,109. Schippes ſuld not mak ſaill without ane Charter partie. Ia,3,p,2,c.14. Ia. 3 p.14.c.109. And ane Cocquet Iam.6.p.2, c,40. Ia 4.p.1.c.3. Schippes ſuld cum to ſee Burrowes in the Weſt ſeas, and there make merchandice. Ia. 4.p.1,c.3. Mar.p.6.c 59. Iam:6.p,7.c.120. Schippes ſuld not be frauchted vnder cullour to defraud the King of his cuſtomes. Iam:4 p.1.c.3. Schippes and Buſches ſuld be maid in all Burrowes for fiſhing. Ia,4,p,4,c,49. Skippers and awners of Schippes, ſuld receiue na merchandes to ſaill with them, except their names be given to them in ane roll. Iam.5 p,4,c.23. Schippes ſuld not ſaill with ſtaple gudes, before Candle-mes. Ia,5,P.4,c,24, Nor to Flanders bot twiſe in the zeir. Ia.5 p.4,c,30 Schippes bringand in Salt or Wine, may at onie time carrie away ony kinde of merchandice. Iam. 5,P,4.c,24.

Scottes men hes diverſe and ſindrie priviledges granted to them within the Realme of France. Mar.p,8, c.65.

Schone, maid ſchone ſuld not be tranſported ſoorth of the realme. Ia.6.p.4.c.59.

Schutting with Piſtolettes, Dagges, or Ingines of fire warke. *vide* Piſtolettes.

Schireffe ſuld inquire at ilk head court anent ſorners. Ia.1.P.1,c,7. Iam.1.P,2,c,42. Suld arreſt idle men, and compell them to finde Burrowes. Ia.1.p 3.ca. 66. Suld receiue the actes of parliament fra the Clerke of regiſter, and publiſh them to the Liedges. Ia.1 p.3 c.67, Ia.2.p,14.c 90. He ſuld perſew men ſlayers, fra ane Schireffedome to ane vther. And they being apprehended, ſuld be execute be him, within fourtie daies. And taken read hande, within that Sunne, vnder the tinſel of his office. Ia. 3.p,5,c,35. Ia,4,p.3.c.28. Ia. 1.p,6,c.89.c.90. He ſuld perſew fugitiues for ſlaughter committed within Burgh, and ather baniſh them, or ſende them againe to the place, quhair the deede was done. Ia,6,p,6,c,96. The Schireffe ſuld be aſſiſted be the cuntrie men. Ia.1,p,6.c.98. And being negligent, is puniſhed be the King. Ia.3 p,6.c.42. He ſuld challenge the Kingis *Seriand*, not havand horne nor wand. Ia.1.P,6.c.99. He ſuld puniſh the Barronnes, quha ar negligent in ſetting of prices, or fees in ilk craft. Ia,1,p,7 c.102. He ſuld receiue and admit the Mairis deputes. Ia.1.p,9 c,111. He ſuld giue law borrowes to the asker thereof Ia,1,p,9.c. 129. Ia.2.p,6,c.13. And in judgement. Ia,2.p,14.c. 83. In Schireffe head courtes, all free halders ſuld compeir or ſend their Acturnies. Ia,1.p,9.c 130. He ſuld reſtore gudes ſpuilzied and reft, or pay the ſamin, Ia.2,p,5,c,10. Ia 2 p.6.c.20. He ſuld take and apprehend curſed perſones. Ia 2,p,6.c,12. He ſuld execute the actes maid anent victuall. Ia 2 p.9. c,37. He ſuld haue at Faires the beſt Oxe, Cowe, or vnridden horſe, he ſuld not take diſtreſſe at faires: Ia,2,p,13,c,60. He proclaimed the ſitting of the Seſſion. Ia,2.p.14.c.63. He ſuld puniſh maiſterfull men, quha occupies vther mennis Landes wrangeouſlie, Iam.2 pa.14.c.79. He ſuld deſtroy creilles, veſchelles, and vther Ingines in ſmolt time. Ia,2:p. :14,c.87. He ſuld puniſh troublers of courtes. I,2,P.14.c.83, He ſuld hunt the Wolfe thriſe in the zeir. I,2.p,14.c.88. He ſuld preſent to the King breakers of Lawborrowes, or elſe pay the ſumme. Iam,3:parli:1.ca 5. He ſuld put to execution the actes of Parliament anent mettes and meaſures, Ia:3.p 4 c 22. Schireffe refuſand to do juſtice or partiall, havand his office in heretage, tinis the ſamin for three zeires. And havand office for the time, he tinis the ſamin for for euer: And payis the expenſes of the partie, and his perſon puniſhed at the Kingis will. Iam, 3, Parlia, 5,c,26, Hee ſuld require the Lorde of the Girth, to giue ane aſſiſe to him quha flies thereto for ſlaughter, committed be him of fore thoucht-fellonie. Iam.3:p,5:c.35. He ſuld execute decreetes be poynding of debtors guides moveable, or comprifing his landes. Ia,3,p,5,c 36, Ia,4:p:3, c:30. Ia:5.p:5:c:58. He ſuld deſtroy cowpes, prines, maſſes, nettes, and vther ingines in rivers flowand to the Sea, and within the flood marke: Ia 3,p,5,c,37. He ſuld execute the actes anent

weapon-ſchawing, and in-bring the roll of their names to the King. Ia,3,p,13,c.89.I.4,p.3.c.31. He ſuld not tak diſtreſſeor extorſionin the time of Faires, Parliaments,and generall Councelles.I.3.p, 5.c.33. The Schireffe may be charged,conforme to the buikes of *Reſponde*.Ia.6:p,11.c.73. Hee ſuld helpe and aſſiſt the Crowner, to arreiſt michtie and maiſterfull men.Ia.3.p,14,c,99. He may denunce committers of ſlauchter to the horne,and eſcheitte their gudes. Ia.3.p.14.c.100. He ſuld keipe the perſones arreiſted to the juſtice aire. Ia.3.p.14. c.101.He ſuld deliver to the Crowner,ſa meickle as perteinis to him,of the gudes of perſones convict in the juſtice aire.I.3,p,14.c,103.He may continue the court,be reaſon of convocation, and gathering of parties,reſort and thereto.Ia,3.p.14.c.104.

Schireffes ſuld be in the Iles, South and North. Ia, 4.p.6.c.59.In Roſſe and Caithneſſe. Ia.4.p.6,c.61. The Schireffe ſuld haue xij.pennies for ilk pounde, for the quhilk he poyndis,be vertue of ane decreite Ia.4,p,6,c,66.Dimiſſion of Schireffedomes, and to quhat juſtice aire or Schireffe court they ſall anſwere.Ia,4,p,6,c,73.Ia,4,p.7,c 101. He ſuld execute the actes maid anent planting of Wooddes. Ia.5,p,4.c,9. He ſuld examine Notars,Ia.5,p,6,ca, 76.He ſuld puniſh fore ſtallers.Ia.5.p,4,c,20. He, his Clerke or deputes,ſuld bring all ſaſinges to the Checker.Ia,5 p.6.c.79 Ia.6.p,11:c.64. All ſchutters at wilde beaſtes,and wilde fowles,ſuld be brocht to the Schireffe Mar. p,4,c.9. Schireffe ſuld cauſe Hoſtellares to Landwart keip competent prices to the lieges. Mar.p 5.c.23. Schireffe ſuld decide moleſtationes of propertie, and commountie, Ia.6.p,11,c,42. They ſuld eſcheitte the horſe halden at hard meate,after the firſt day of Iunij.Ia.6, p,11,c.56 He ſuld thoill ane aſſiſe, the laſt daye of the aire.Ia.3.p.14.c.103. He ſuld anſwere for his Clerkes,refuſand to regiſter letters of horning, or nocht regiſtrating them,according to law,and not giuand ane roll thereof to the Theſaurar, and ſuld pay ane hundreth pounds to the King, and ſatisfie the ſkaith to the partie.Ia 6.p.11.c.71.Iam.6.p,12. c.124. He ſuld vp take al eſcheittes,be direction of the Theſaurar.Ia.6.p.6.c.75. He ſuld make compt in the Checker, of all eſcheittes,taken vp be him. Ia.6 p.11.c.74.He ſuld finde caution in Edinburgh, to make zeirly compt in the Checker. And ſuld preſent zeirlie to the Lordes of Seſſion, the names of their deputes and Clerkes, Iam,6.p. 11.c.80, He ſuld perſew and take perturbers of Kirk,and Kirk men,and put them in warde: And gif they be fugitiue,and haue landes and guds, the ſamin ſalbe compriſed and arreiſted to the partie. And gif they haue na landes nor gudes, they ſuld be put to the horne,Ia.2.p.6.c.12.

The Schireffe, vnder paine of deprivation, ſuld cauſe all cornes within barnes, and out-with the ſamin, to be threſchen out before the firſt daye of Maij.Ia.2 p,9,c.37.

The Schireffe ſuld take and ſend to the King, all oppreſſoures and maiſterfull occupiers of vther mennis landes.Ia 2 p.14.c.79.

The Schireffe failzieing or negligent to execute decreetes given in favours of privie parties, tinis their heretable offices for iij zeires. I,4,p,3,c.30. I. 5.p.5.c,58. And payis the expenſes to the partie, with the principall ſumme,Ia,4.p.3.c.30. The Schireffe ſuld pay to the King xiiij. ſhillinges iiij, pennies, for ilk beggar founde beggand in his Schireffedome,contrair the actes of Parliament.Ia. 4.p,6,c.70. *vide* Iudge-Ordinar. *vide* Officiares.

Schireffe Courts: *vide* Courtes. Schireffe Clerkes ſuld be honeſt and famous perſones,and ſuld dwel within the head burgh of the Schire Ia.6,p,6,c,75. Ia,6,p.12.c,124. The names and number of all Schireffedomes within this Realme, Ia,6,p,11,ca. 81. Schireffe Clerkes buikes, ſuld be marked, be the Clerke of Regiſter, and ſuld be brocht to the Checker,Ia,6,p.15,c.270. The Schireffe, and vther officiares, ſuld bring in all taxationes, and make compt thereof.Ia 4.p,2,c,9.

Schuilles ſuld be reformed,and al teachers of the zouth ſuld be examined be the viſitoures of the Kirk. Ia, 6.p,1,c.111. All Barronnes and ſubſtantious freehalders,ſuld put their aires to the Schuilles,Ia,4.p. 5.c,54. Noble-mennis ſonnes, and vthers paſſand furth of the cuntrie, ſuld giue confeſſion of their faith.Iam 6.p,6,c,71.Ia 6.p.7.c.106. Schuilles of muſick ſuld be erected and viſied within Burrowes and vther places,Iam,6,p,6,c,98. For mainteining of Schuilles, prebendaries,altarages,Chaplanaries, may be diſponed be the patron thereof.Iam,6,p,1, c,12,Iam.6,p,12,c,158. Landes, annuall-rentes, teind-ſcheaues, and vther emolumentes,erected & diſponed to maſters in colleges,Grammer ſchuilles within Burghes, ar not comprehended, vnder the annexation of Kirk landes to the Crowne,Iam.6. p,11.c,29.

Secreet Councell. *vide* King.

Sede vacante, the King may preſent the benefices.Iam. 3,p,11,c,84. *vide* Benefices.

Seickneſſe may be eſſoinzied and proven be the Paroch Prieſt, and twa witneſſes,I,1,p,9.c,114.

Seale is neceſſar in obligationes and writtes of greate importance,Ia.6,p,6,c.80: Ane ſeale is not neceſſar in writes,ordained to be regiſtrat, with conſent of partie, becauſe the in-lack of the ſeale, is ſupplied be conſent.Ia.6,p.9,c,4. Seale affixed to obligationes,bandes,and vther writtes,not ſufficient,without the ſubſcription of the partie and witneſſe,Ia. 5,p,7:c.117.Reverſiones, bandes, and diſcharges of reverſiones, ſuld be ſealed. Mar.p,6,c.29, Of procuratories,and inſtrumentes of reſignation *ad perpetuam remanentiam*.M.p,6:c.38,M,p. 8,c.81

Searchers appoynted at all portes and bordoures,anent the carying away of money,and for inbringing of falſe cuinzie.Ia,2.p,6,c. 29.Ia:2:P.8:c.34. Iam.3:P 8 c.64:I:4:P:5,c.55: And the fee of the ſaid ſearcheoures:I:4:p:6:c,68. And for preſenting the victuall to the mercat, Ia:2:P,9,c,39. Of merchandes ſailling contrair the actes of Parliament. Ia.3.p 14.c,106.Ia.4.P,2,c.14. Of the binde of of Salmond.I.3.p.14 c.110.Of merchandice caried away be ſtrangers vncuſtomed.Ia.4.p,4.c.41. Negligent ſearchoures ſuld be deprived.Iam.4.p. 5,Cap.55.

Of

Of carian for selling victuall, cattell, fish, salt, in England. Ia. 5. p. 4. c. 19. Anent the carrying away of talloun. Ia. 5. p. 7. c. 123. Searchoures of false money Mar. p. 9. c. 70. And searchoures ordained to be maid within all burrowes, baith of regalitie, and royaltie, anent the carying away of victuall furth of the realme. Ia. 6. p. 11. c. 55. Anent the victualling of schippes passand to Loch-brume, & North Iles to fishing, and finding of caution for inbringing of the thrid parte of the herring and quhitefish to free burrowes. Ia. 6. p. 11, c. 57,

Searchoures committand fraud into their office, be over sight of transporting of forbidden gudes, suld be punished. Ia. 6. p. 11, c. 89. Ia. 6. p. 13, c. 168.

Searchoures suld stay the transporting of Calfeskinnes, huddronnes, and Kyd-skinnes. Ia. 6. p. 12. c. 155. Searchoures suld etcheit all talloun, caried furth of the Realme Ia. 5. p. 7. c. 123. Ane searchour suld be depute be the Thesaurar, with ane vther, nominate in euery burgh, to search and accuse criminally eaters of flesh in Lentron, and forbidden times. Ia. 6. p. 14. c. 221. Searchoures of vagabounde, to the effect they may be brocht to prison, and punished Ia. 6. p. 6. c. 74.

Serjand, vide officiares.

Session ordained to sit in King Iames the Firstes time, their power and expense. Iam. 1. p. 3. c. 65. Ia. 2. p. 14. c. 64. Their power and jurisdiction in the time of King Iames the Second. Ia. 2. p. 14, c. 62.

Ane resident Councell ordained, havand power of the Session. Ia. 4. p. 6, c. 58. Institution of the session, and college of Iustice. Iam. 5, p. 5, c. 36, *cum segq.* Ratification thereof. Ia. 5. p. 7, c. 93. Mar. p. 2, c. 2. Ia. 6. p. 12. c. 132. Ia. 6. p. 13, c. 170. Ia. 6. p. 13, c. 183. Ia. 6. p. 14. c. 211. Lordes of Session ar judges to the law of Oblivion. Ia. 6. p. 11. c. 44. They suld be nine in number, at pronunciation of ilk decreetes and interloquutour. Ia. 6, p. 11. c. 44. Al. Schirefles suld present zeirlie, at the first down sitting of the Session, to the Lordes thereof, vpon the first day of November, the names of their deputes & Clerkes. Ia. 6, p. 11, c. 80. To be examined and admitted bee the Lordes of the Session Ia. 6. p. 12. c. 124.

Lordes of Session, and Councell, suld examine and admit all Schirefles, Stewardes, Baillies, and vthers to burgh and land, their Clerkes and Notars. Ia. 5. p. 6. c. 78. They ar judges to reduction of all infeftmentes, quhilkis ar granted or confirmed in Parliament. Ia. 6. p. 1, c. 18. They suld not admit privie writinges, charges, or command. Ia. 6. p. 6, c. 92 Of their admission, age, and qualities. Ia. 6 p. 6 c. 93. Ia. 6 p. 12. c. 132. They suld delegat and commit all decision of mo'estationes of propertie, and commontie, to inferiour judges. Ia. 6 p. 11. c. 42.

The Lordes of Session, suld haue in some actiones, twelue pennies of ilk pound, and some actiones fiue pounde, fra him quha tinis the pley. Iam. 6. p. 11. c. 43. The Lords of session ar free fra watching, warding, and service within Burgh. Ia. 6, p. 12. c. 153. Troublers of the Session, or doing injurie to ony man, in the time and place, they to be punished as traitoures. Ia. 6. p. 13. c. 173, Of the sitting of Session, and harvest vacance. Ia. 6. p. 14 c. 213.

The Lordes of the Session may poynd the Kirk. land, for the contribution granted to them. Mar. p. 2. c. 2. All statutes and ordinances, maid be the Lordes of Session, for expedition of justice, ar ratified and approved in Parliament. Ia. 6. p. 8. c. 139. The Lordes of session, may not be judges in causes of their Fathers, or sonnes, or brether. Ia. 6 p. 14. c. 212.

Setterdaies slop suld be keiped. Ia. 1, p. 1, c. 11. Ia. 4. p. 2. c. 15. Be them quha ar infeft with cruves. Ia. 6, p. 7 c. 111. That is, that na man take or slay Salmond fish, from Eving-tang on Setterday, vntil the rising of the Sunne on Monunday.

Signatures of the Kingis patrimonie, and the maner of the subscription thereof, in the time of King Iames the Fourth. Ia. 4. p. 2. c. 12. The writers suld write his name, on the bak of the signature. Iam. 6. p. 10. c. 13. Signatures subscrived and componed before the decease of King Iames the Fifth, ar ordained to paile the scalles, after his decease. Mar. p. 1. c. 1. Signatures, and vthers writes, suld be presented be the ordinar officiares Ia. 6. p. 10. c. 20. Signatures, the dait thereof, suld be filled vp be the Ordinar officiares, or their Clerkes, registrat, and marked vpon the backe be the writer, and vthers. Ia. 6. p. 12. c. 133.

Silver, vide Gold: *vide* Money Silver warke brocht to the Cuinzie-house, the Maister of the cuinzie, sall giue the availe thereof to the awner. Ia. 4. p. 2. c. 17,

Summer Trees, the singers about them makand perturbation to the lieges, ar punished. Mar. p. 6. c. 61.

Skinnes suld not be caried in England: *vide* staple guds. Ilk hundreth skinnes, suld conteine sex score. Ia. 6, p. 7. c. 108. Calfe-skinnes, huderonnes, and Kid-skinnes, suld not be caried furth of the realme. Ia. 6. p. 12. c. 155. Nor schorlinges, vnder the paine of confiscation of the saidis skinnes. Ia. 6 p. 13. c. 178. Martrick-skinnes and vthers, caried furth of the realme, suld pay custome. Ia. 1, p. 1, c. 22.

Slauchter, Committers thereof, suld be persewed fra ane Schirefdome to ane vther, vntill they be banished the realme. Ia. 1 p. 6. c. 89. 90, 91. 92, 93. 94. Ia. 4. p. 3. c. 28. Slauchter suld be punished within fourtie daies, and taken with reade hand within that Sunne. Ia. 1. p. 6. c. 89. c. 95. Committer of slauchter, suld be put to the horne, and suld not be relaxed, bot vpon caution. Ia. 3. p. 6, c. 42. He being fugitiue, suld be taken and brocht againe to the place quhair the deede was done. I. 1. p. 6, c. 96. 97. 98. Vtherwaies he suld be charged to vnderly the law, vpon sex daies: And gif he compeir not, may be denunced rebell. Ia. 3 p. 13. c. 100. Committers of slauchter, within Kirk, or Kirk zairdes, and their receipters, tinis their life-rent, and their moueable gudes Ia. 6, p. 12, c. 118. Ane man-slayer being relaxed to ane day, and for the same cause denunced rebell, suld injoy na priuiledge be his relaxation. Mar p. 6. c. 31. Thieues and rieuers slaine, or mutilat be ony man, fearing the recouerie of his awin geare, the committers thereof, and their assistars, sall never be accused. Ia. 6 p. 11 c. 100. Slauchter in the Parliament, in the inner Tolbuith, in time of Session, in the Kings Chalmer, cabinet, Chalmer of peace, secreit Councel, or in the Kingis presence, is treason. Ia. 6. p. 13. c. 173. The persewer, slayand the de-

defender, or the defender ſlayand the perſewer, either of them being denunced rebelles therefore, tinis his life rent. Ia.6.p.8.c.138. Ia,6.p.14.c.219. Declared traitoures may be leafumlie ſlaine. Mar. p.4.c.8. Commiſſion for ſlauchter ſuld not be granted, becauſe the ſamin perteinis to the juſtice, and his deputes. Ia 6.p.11.c.75. Slauchter ordained to be puniſhed, before the ganging downe of the Sunne, bot may not be puniſhed on ane Halie day Ia.1 p.6:c.95.

Smithes ſchoand ane horſe in the quick, ſall paye the horſe coaſt, quhill he be haill, and in the meane time, ſall finde ane vther horſe to the awner. Ia.3. p.10 c.78.

Sorners ſuld be arreiſted, ſatisfie the King and partie. Ia, 1,p,1,c,7. Inquiſition ſuld be maid in all courtes, be all Iudges, for away putting of Sorners. Ia 2.p.6,c. 22. Suld be puniſhed as thieues and rivers. Ia.2.pa. 11.c.45. Ia.3.p.10 c.77. *vide* Beggers. The maiſter of Clannes, thieues, nevers, and ſorners, ſuld finde caution and pledges, and in quhat maner. Iam,6.p. 11.c.93 94. Sorners and thieues, dwelland in the In-land, ſall returne to the landes quhair they were borne. Ia,6,p.11.c.95. They, and all vagaboundes, feinzied fuiles, and AEgiptians, ſuld be put in ward. Ia,6.p.12,c,124. Ia.6 p,12.c.147. Sindrie ordinances maid anent thieft, rieſe, oppreſſion, and ſorning. Ia,6 p.14.c,227.

Sovertie, *vide* Law-borrowes.

Speares ſuld conteine ſex elne of length. Ia, 3,p.6,c,44. Ia.3.p.11.c.80.

Spuilzied and reft gudes, ſuld be reſtored, and maner of reſtitution, Ia.2.p,5,c,10.c,11, Ia.2.p.6,c.20. The auaile and quantitie thereof, ſuld be referred to the aith of the awner. Twa kindes of ſpuilzie, the ane of moveable gudes, the vther of lands and heretages, quhilk now is called *eiection*. Ia.2.p.14. c.62. Recent ſpuilzie, may be perſewed vpon xv. daies, the ſummondes being raiſed within fifteene daies, after the committing thereof. Ia.4. p.6 c,65. Ane Scottes-man being ſpuilzied be Scottes-men, and Engliſh-men, hes gud action of ſpuilzie, contrair the Scottes-men. Mar, p.5,c.14 Na action of ſpuilzie, ejection, or vther civil or criminall, is granted to the Kingis rebelles. Ia. 6.p.14.c.227.

Stackes, *vide* Victuall.

Stalkers that ſlayis deare, that is, Hart, Hinde, Dae, Rae, and their mainteiners, ſalbe inquired be the juſtice Clerke, and the ſtalker being convict, payis to the King, fourtie ſhillinges, and his mainteiners payis ten pound. Id.1,p.2.c.36.

Stanckes ſuld be maid be ilk Lord and Laird. Ia.4.p.6. c.74. They ſuld not be deſtroyed. Ia.6.p,6.c.84.

Stane ſuld wey xv. Trois poundes: And that ſtane to be devided in ſexteene leill Scottes poundes. Ia.1. p,4.c.69 Ia,1,p,3:c,57,

Strangers bringand in victuall: *vide* Victuall. Strangers merchandes, ſall ware all their ſilver received for their merchandice, vpon pennie-worthes of this land, or elſe pay cuſtome to the King. Ia.1.p,1.c.16. Strangers bringand victuall, and vther merchandice, ſuld be weill treated. Ia.3.p.10 c.72. Strangers merchandes, ſuld ludge in the principall towne, and there enter their gudes, and pay the Kingis cuſtomes. Iam.4.p,4,c,41. They ſuld cum to the Kingis free burghes, and there pay their cuſtomes. Ia,4.p.1.c.3.

Streame, or mid-ſtreame of the water, ſuld be free, bee the ſpace of fiue fute. Ia,4,p,2,c,15.

Studds & ſtudde places, ſuld be pleniſhed with meares and ſtallions. I.5,p.4.c.18:

Swearers and blaſpheamers of Gods name, *vide* Aith.

Subſcription of obligationes, bandes, and vther writs, is neceſſar. Ia. 5.p.7,c.117. Of reverſiones and writs concerning reverſiones. Mar.p.9.c,29. Of Procuratories, & inſtrumentes of reſignation *ad perpetuam remanentiam*. Mar.p,6,c,38. Mar.p.9.c,81. Obligationes, and vther writres, ſuld be ſubſcrived be the partie, or twa Notars, before foure witneſſes. I 6 p.6 c.80. Ia,6,p.9.c.4. Quhilk is not neceſſarie in inſtrumentes of ſaiſing. Ia.6,p.9.c.4. Of charges, *ſuper inquirendis*, and vther charges. Ia.6 p.10.c.13 Of letters and ſignatures preſented to the King, quhilk ſuld be preſented be the ordinar officiares. Ia.6.p.10.c.20. Of benefices of cure vnder Prelacies, ſubſcriued be the King and Secretar. Ia 6.p,11 c.26. Licences for tranſporting of forbidden guds, and exemptiones fra raides and aſſiſes, ſuld be ſubſcrived be the Theſaurar, and regiſtrat in his buikes Ia.6,p.12.c.126. Subſcription of the Comptroller is neceſſarie in all infeftmentes of few ferme, and confirmationes of the Kingis propertie. Ia.6.p.12, c.127. The executor of letters, ſuld ſubſcriue the copies, and executiones of the Letters, delivered be him, to ony partie. Ia.6.p,12,c,139.

Summondes, and execution thereof, conteinis ſex termes conforme to the Law of *Regiam Maieſtatem*. And may be prouen be witneſſe, conteined in the execution. Ia,1.p,9.c.112. Execution of Summondes, *vide* Indorſation. Ane perſon ſummond, and not compeirand, bot being *contumax*, ſal aſſyithe the partie, and pay ane vnlaw to the King. Ia.2.p.6.c. 30. Summondes ſuld be execute vpon xx.daies, & ſuld be ſealed. *ibid.* Ia,2.p,14,c,63, And vpon the ſpace of xxj. daies. Ia.3.p.1.c.6. Summondes of error, againſt ane judge, or perſones of inqueſt, ſuld conteine certification againſt the partie defender. Ia.4.p,3.c,35. Summoundes of errour, ſuld be perſewed within three zeires. Ia.4.p.5.c.57. Summonds of recent ſpuilzie, being raiſed within xv. daies, after the committing thereof, may be perſewed vpon xv. daies. Ia,4,p,6,c,65. Summondes vpon actes of adjornall, ſuld haue the priviledge of recent ſpuilzie. I.5.p,3,c.7. Summondes at the inſtance of the juſtice, againſt fugitiues for crimes, may be execute at their dwelling place, and Paroch Kirk. Ia.5.p,4,c,33. Summondes and execution thereof in civill cauſes. Ia.5.pa,6,c,75. Summondes of perſones paſſand furth of the realme. Mar.p:6:c:32. Summondes in criminall cauſes. Mar:p:6.c:33: All warninges and executiones of the Kingis cauſes, againſt Ileſ-men, Hie land-men, and Bordourers, may be maid at mercat croces of head burghes of the nixt Schires, in the Law-land Ia.6:p:11:c:65: The raiſers of letters af Law-borrowes, and in criminall cauſes, concerning life and gudes, ſall finde caution to the juſtice Clerke, that the ſamin ſalbe execute after aucht houres and

and before twelue houres of the daye, at the head burgh of the Schire perſonally, or at the dwelling place of the partie. Iam 6.parlia.11.cap. 85. Summondes and letters of treaſon, ſuld be execute be the ordinar Heraulde & Purſeuants or Maiſars. I.6.p.12.c,125.

Deforcement, or injurie done to officiates, or Schireffes in that part, in execution of letters or decreits, is puniſhed be confiſcation of all moueables. Ia.6. p.12.c.150. Summondes ſuld conteine ſex pointes, conforme to the auld Law. Ia.1.p.9.c,112. And the ſubſtantiall parties, and faultes thereof. Ia.1.p,9.c. 113. Summondes of Lordes of regalities, ſuld be ſealed with the ſeales or ſignettes of the ſaidis Lordes. Ia.2.p.6.c.30.

Superſedere given for ſtaying of juſtice, ar diſcharged and annulled. Ia,6.p.11.c.47.

Superiour, *vide* Ouer-Lord.

Super-plus of benefices, *vide* Benefices, and thriddes of Benefices. Al penſiones, diſcharges, tackes, aſſedationes, and diſpoſitiones quhatſumeuer, furth of the ſuper plus of the thriddes of benefices, ar null, reuoked and diſcharged. Ia.6,p.12.c.121.

Super inquirendis, all charges maid to that effect, and all vther charges, ſuld be ſubſcrived be foure of the officiars of the eſtaite. Ia,6,p,10,c,13.

Suſpenſion of decreetes: *vide* Decreetes.

T.

Tailzies, and all infeftiments and diſpoſitiones maid to the aires mailes, fra the aires generall ar revoked. Ia.6,p.11.c.31.

Tackes and aſſedationes of landes, ſet before the alienation thereof, ſuld be keiped be the byer, Ia.2,p,6,c: 18. Tackes of wod ſet landes, ſet within the valure, ſuld not be keiped, after the redemption. Ia:2 p,6,c,19. Tackes of forefalted landes, perteinis to the King, or his donatar. Ia.6:p:9.c:2:

Tackes, aſſedationes, and rentalles of the Kingis propertie, maid in his minoritie, ar revoked. Ia.6.p. 11.c.31. Tackes ſet be Vicars and Perſones, quha ar deprived be the Preſbyterie, or Aſſemblie, ſall ſtand, and na-waies be prejudged be the ſaide deprivation. Ia.6:p:12:c:115. Tackes of commoun gude of Burrowes, for three zeires. *vide* Burrowes. Na beneficed man, vnder ane Prelat, may ſet langer tackes of teyndes, or vther pertinentes of their benefices, nor three zeires, without conſent of patrone. Ia.6.p.14.c,200. Tackes ſet in diminution of the rentall, or firſt aſſumption, ar null, Ia,6: p.15.c.240.

Talloun, or taukh, ſuld not be caried furth of the realm Ia.1,p.2.c,32. Ia.6.p.4.c.59. It ſuld not be caried away, nor rinded, melted, nor barrelled. Ia.5.p 7.c.123, Mar.p.6.c.40.

Tavernes ſuld be ſteiked at nine houres, and na perſon ſuld be found therein. Ia.1.p,13,c.144. They ſuld not mixt wine, vnder the paine of eſcheitting of the ſamin. Mar.p,5,c.11.

Taxation being granted in Parliament to ane certaine. uſe, may not be diſponed or diſcharged be the King. Ia.4.p.2.c,9. Taxation how it ſuld be divi ded amangſt the eſtaites: And the maner of the vp-liſting thereof. Ia:6:p:15:c:276:

Taxation may not be raiſed, without conſent of the Burrowes. Ia:4:p:6:c:85: Mar:p.9:c:82.

Kirk-men may not be put to the horne, for none-payment of the taxation. Mar.p 6:c:55. Kirk men poſſeſſoures of Temporall landes, annexed to the Crowne, ſuld be relieued of their taxation, Ia.6.p. 11,c:29. Ia,6.p,14:c.228. Taxation of Burrowes ſuld not be altered. Ia.6:p.11,c:111.

Na taxation nor impoſition, ſuld be taken of the ſtipendes of Miniſters, Ia,6:p.13.c,162.

Quhat perſones ſuld be ſubject to taxation, within Burrowes. Ia 6 p.14.c.225. Taxation being raiſed, the Burrowes payis the ſext part. Ia 6 p,11.c.111.

Taxation of Benefices: *vide* Bagimont. Kirk.men ſuld haue their reliefe of taxation, impute vnto them againſt ſewers, vaſſalles, penſioners, and tackeſ men. Ia,6.p,14,c,199.

Terce, or thridde of the Kingis landes and cuſtomes, perteinis to the Queene, as terce and dowrie. Ia.3. p.1,c.2. Quha is halden as lauchfull wife, induring her husbandis life-time, ſuld haue ane terce be his deceaſe. Ia,4,p,6,c,77.

Teindes may be ſet be Kirk-men. I.1.p.1.c.1. They ſuld not be wrangeouſlie taken fra the Kirk. I.4,p.2,c, 7. Teindes ar the proper patrimonie of the Kirk. I. 6.p,1,c.10. Teindes ſuld not be taken of glebes, perteining to Miniſters Iam:6,p,5,c,62.

Teindes may not be ſet be Kirk-men, vnder Prelates, langer nor three zeires, without conſent of the Patrone. I.6 p.14.c.200.

The forme and maner of teinding cornes. Ia,6.p, 6,c,73. Ia.6,p.11.c.48. Teindes may not be erected in ane Temporall Lord-ſhippe, Ia,6,p,12,c 119.

Teindes of forefalted landes perteinis to the King, and his donatar. Ia.6,p,9.c,2.

Teindes of landes annexed to the Crowne; ar not comprehended vnder the annexation, except the ſamin be diſponed with the ſtock, Ia,6,p,11,c,29,

Thieues ſuld be judged, as ſoone as ane court may be ſet, Ia,1,p,13,c,142.

Slayers of Daes, Raes, and Deere, in time of ſtorme or ſnaw, ſlayers, ſhutters, hunters of Dae, Rae, in vther mennis cloſes or parkes, and their aſſiſters: Taking of Cunninges, dowes, or fiſh, perteining to vthers, they, and their aſſiſters, may bee accuſed of thieft, Ia,3,p,7,c.60, I,5.p,4,c,12, Ia,6,p,11,c,59,

The maiſter, or mainteiner of ane thiefe, ſuld deliver him to the partie, or to the Iudge, Iam,5,p,1, c,2.

Quha perſewis ane vther of thieft innocentlie, payis to him ten poundes, Ia,5,p.1,c.2.

Recepters, fortifiers, mainteiners, and givers of meate, harberie, or aſſiſtance to thieues, may be perſewed, civilie, or criminallie. Ia,6,p,1,c,21.

Thieues taken be leill men, ſuld be preſented to the Iuſtice, Ia,6,p,1,c,21.

They ſuld be followed with ane crie, *ibid.*

Hochers of Oxen, horſe, or vther gudes, in time of labo-

labouring, and their receipters, cutters, deſtroyers of pleuch, or pleuch graith, in time of teilling of the ground, trees, and cornes, breakers of milnes ſuld be puniſhed as thieues. Iam, 6, p, 11, c, 82. Iam. 6. p. 7. c. 110.

They quha ſellis the gudes of thieues, and vther malefactoures, quha dare not cum to mercattes, ſuld be puniſhed be baniſhment, and eſcheitte of their gudes. Iam. 6. p. 11, c. 109.

Ony of the Clanne may be ſlaine, taken, and apprehended, for thieft or rieſe, committed be ony vther of the ſame Clanne. Iam, 6, p, 7, c, 112. Iam. 6, p. 10, c. 16.

Stollen gudes, may be repeted fra the thiefe, Captaine, ſuperiors, and principalles of the Clanne, within quhais boundes the gudes ar recept. Iam. 6. P, 11, c, 100.

Anent thieft, rieſe, forning, and oppreſſion, diverſe and ſindrie ordinances. Ia, 6, P, 14. c, 227.

Theſaurar ſuld take vp the eſcheittes of all rebelles, and cauſe direct letters to that effect, to all Schireffes, or officiares of armes. Iam. 6., P, 6, c, 75.

The Theſaurar, and compoſitoures in the Iuſtice aire, may not compone or fine with makers of Mure-burne, deſtroyers of greene woodde, leſſe nor the vn-law or paines contcined in the actes of Parliament. Ia, 5, p, 4, c, 10.

The Conſeruatour, ſuld ſende hame zeirlie, to the Theſaurar, the names of all merchandes ſailland contrair the actes of Parliament. Iames 5. Parlia. 4, c, 23.

The Theſaurar ſuld take compt of the Conſervatour. Iam. 6. p, 15, c, 255. *cum ſeqq.*

The Theſaurar ſuld make compt of the eſcheitte of carriers away of talloun. Ia. 5, P, 7, c. 123.

The Theſaurar ſall inquire in the Checker zeirlie, the Schireffes, anent the caution, quhilk ſuld bee found be Wardatars, and life renters, to the minors and aires. Ia, 5, P, 4, c, 14,

The Theſaurar ſuld receiue and vp-take, all Monkes portiones. Ia, 6, P, 8, c, 137.

The Theſaurar ſulde make ane rentall of the Monkes portiones, firſt fruites, and fifth pennie of benefices, and ſuld make compt thereof: And all ſignatures, giftes, and proviſiones thereof, ſuld pas his regiſter. Ia 6. P. 12. c. 126.

He ſuld accuſe all perſones dilated, or ſuſpect of regrating, or foreſtalling. Iam, 6, p, 12, c, 148.

The Theſaurar ſuld cauſe inquire, ſearch, and ſeke, the eaters of fleſh on Wedneſ-day, Fryday, Setterday, or in time of Lentron. Ia. 6, P. 9. c. 5.

He ſuld cauſe put to execution, the Actes maid anent forbidden gudes. Iam. 6. p. 9. c. 9.

All exemptiones and liecnces fra raides, aſſiſes, or for tranſporting of forbidden gudes, ſuld be ſubſcrived and componed be the Theſaurar. Iam, 6, p, 12. c. 126.

The Theſaurar, Chancellar, or Secretar, being alwaies ane, & vthers officiars ſuld ſubſcriue all charges and letters *ſuper inquirendis*. Iam: 6: parlia: 10. cap. 13.

He and vther officiares, ſuld ſtay all ſignatures and letters ſubſcrived be the King, quhilkis concernis his office, and ar not preſented be him. Iam 6. p. 10. c. 20.

Quhilkis writes ſuld be daited be him. Iam. 6. p. 12, c. 133.

He ſuld receiue twentie poundes, for ilk licence, granted to particular perſones, for eating of fleſh, And ane hundreth pound fra fleſhers and Cuikes, for ſlaying or preparing of fleſh, in forbidden time. Iam. 6. p. 11. c. 58,

The caſualities ſuld not bee given away in greate, ſik as of ane haill cuntrie: The confirmation of the haill fewes of ane Prelacie, or of ony ſpeciall crimes. Ia. 6. p, 11, c, 69.

To the Theſaurar, the Schireffe Clerke, ſuld giue zeirly, ane perfite inventar, of the haill horninges, regiſtrat in his buikes. Iam. 6. p. 6. c. 75.

Vnder paine of eſcheitte of his moveables, and ane hundreth pound to be payed be the Schireffe, Ia: 6. p, 11, c, 71.

The Theſaurar, his deputes and vthers admitted to that cure, ſuld make compt to the Auditours of Checker, for in-gaddering of the bullion. Iam 6. p. 14. cap. 202.

In the Theſaurars comptes, na allowance to bee *periculo computantis*, and except acquittance be produced preſently, *ſuper computo*. Ia, 6, p. 11, c, 77.

The Theſaurars compts ſuld not be heard, before particular compts. Ia. 6. p. 11. c. 78.

The Iuſtice and his deputes, ſuld deliuer to the Theſaurar, ane inventar of all vn-lawes, and paines of Iuſtice aires, quhairof he ſuld make compt in the Checker. Iam. 6. p. 11. c. 81.

All remiſſiones and reſpettes, ſuld be ſubſcrived be the Theſaurar, and regiſtrat in his regiſter. Iam. 6. p. 13. c. 169.

The juſtice Clerke, ſuld deliuer to the Theſaurar, ane Catalogue of all perſones, denunced to the horne, for criminall cauſes: And of all aſſiſors unlawed, for not compeirance, quhilkis vnlawes, ſuld be taken vp, without compoſition. Ia. 6. p. 12. c. 126.

The Lordes of Seſſion, ſuld grante na ſuſpenſion, vpon liquidat vnlawes, or paines charged for, be the Theſaurar, bot upon caution, in the in-partes of the Realme. Ia. 6. p. 12. c. 126.

He may cauſe, tak and apprehend cariers of wooll, nolt, and ſcheipe in England. Ia. 6. p. 12. c. 149.

The Theſaurar ſuld diſpone all eſcheittes, to ane reſponſall man, in landes and gudes, quha ſall be debtor to the partie, at quhais inſtance the horninge is led, or may take ſufficient caution for his reliefe, vther waies the gift is null. Iam. 6. p. 12. c. 145.

The Theſaurar ſuld ſubſcriue the ſignators of infeftments, for artickles ratified in the Parliament the zeir of God, ane thouſand, fiue hundreth, ninetie twa zeires, vtherwaies the ratificationes thereof ar null. Ia. 6. p. 12. c. 130.

The Theſaurar ſulde not exceede the ſumme of twentie thouſand poundes in ane zeir, in his diſcharge. Iam. 6. p. 11. c. 78.

Ratificationes paſt in Parliament, ſuld be preſented be him, or his deputes. Iam. 6. p. 11. c. 78.

The Theſaurar may intromet with all eſcheittes of

of rebelles, quha remainis in poſſeſſion, Notwithſtanding, ony gift or diſpoſition: And ſuld cauſe their houſe be keiped vpon their expenſes. Iam. 6. p. 12. c. 145.

He ſuld make compt zeirlie in the Checker, of all vnlawes and amerciamentes of the juſtice aire. Ia. 6. p. 11 c 81.

He ſuld ſee that all remiſſiones, conteine aſſythment, maid to the partie. Ia. 6. p. 8. c. 136.

He ſuld receiue caution for all perſones preſented or nominat to benefices, for payment of the firſt zeires fruites, and fifth pennie, and in the meane time, the Theſaurar ſuld intromet with the haill fruites of the benefice vacand. Ia. 6. p. 8. c. 137.

The Theſaurar ſuld cauſe officiares of armes, to produce twiſe in the zeir, the buikes of their ſovertes. Ia. 6. p. 14. c. 208.

The Theſaurar, in all ſuſpenſiones, raiſed againſt him, and founded vpon acquittance, ſuld cauſe the producer thereof, mak faith anent the veritie of the ſaid acquittance. Ia. 6. p. 14. c. 209.

He ſuld depute and nominate ane ſearchour in ilk Burgh, to tak and accuſe eaters of fleſh in Lentron and forbidden times. Ia. 6. p. 14. c. 221.

The Theſaurar may not compone or fine, with breakers of the actes, anent greene woodde, and Mure-burne, leſſe then the paine and vn-law conteined in the ſamin. Ia. 5. p. 4. c. 10.

The Theſaurar ſuld raiſe letters direct to the Schireffes and vthers, for puniſhment of deforcement of officiares. Ia. 6. p. 6. c. 75.

He may deprive officiares of armes, refuſand to ſerue the King. Ia. 5. p. 7. c. 126. *vide* Bullion:

Trewes ſuld be keiped betuixt vs and England: *vide* Wardaine.

Treaſon to rebell againſt the King. Iam. 1. p. 1. c. 3. Iam 2. p. 6. c. 14.

To the puniſhment of treaſon, all the lieges ſulde aſſiſt the King Ia. 1. p. 1. c. 4.

It is treaſon to remaine in England, without licence Ia. 1. p. 9. c. 128.

To aſſure with Engliſh-men. Ia. 1. p. 13. c. 141.

To riſe in feare of weire, againſt the King, or to lay violent handes, vpon his perſon, to receipt or ſupplie traitoures, to hald houſes perteining to traitoures, or their awin houſe, for helpe of traitoures, or aſſailzies caſtelles or places, quhairin the Kingis perſon is. Ia. 2. p. 6. c. 25.

To bye or bring hame poyſon. Ia. 2. p. 7. c. 31. c. 32.

Men ſuſpect of treaſon, their bodies ſuld be warded, and their geare vnder borrowes. Iam. 2. parlia. 12. b. 49.

It is treaſon to paſſe in England in time of weire, without the Kingis licence. Ia. 2. p. 12. c. 50.

To aſſure with Engliſh-men, without licence. Ia. 2 p. 12 c. 51.

To ſupplie Berwick or Roxburgh, and to paſſe away with gudes, quhill they be parted. Ia. 2. p. 12. c. 52.

To raiſe ane affray wilfullie in the hoiſt. Ia. 2. p. 12. c. 54

To purcheſſe benefice at Rome. Iam. 3. parliament 6. c. 43.

To take ony Prelates place, after their deceaſe. Ia. 5. p. 7. c. 125.

To quarrell or trouble the ſlayers of declared traitoures. M. p. 4. c. 18.

All thieſes, quha takis leill men, or vpon bandes given be them, for their re-entring, calls them, or their cautioners, committes treaſon. Iam. 6. par. 1. c. 21.

Burnere of folkes in their houſes, of cornes, raiſers of fire wilfullie committis treaſon. Iam. 5. par. 3. c. *vlt*. l. 6. p. 1. c. 33.

He quha accuſis ane vther of treaſon, quha is acquit thereof, committis treaſon. Iam. 6. par. 11. c. 49.

Landed men conviſt of commoun. thieſt, recept of thieft, ſtouth, rieſe, committis treaſon. Iam. 6 p. 11. c. 50.

Murther or ſlauchter of ony man, vnder treſt aſſurance, credite or power of the ſlayer, is treaſon. I. 6. p. 11. c. 51

Sayers of Meſſe, Ieſuites, Seminarie Prieſtes, traſficquing Papiſtes, and their receipters, committis treaſon. Iam. 6. pa. 12. c. 120. Iam. 6 p. 13. c. 164.

Letters and ſummondes of treaſon, ſuld be execute be Heraulides, Purſevantes, and Maiſers. I. 6. par. 12. c. 125.

It is treaſon to ſet wilfull fire in Cole-heuches. Iam 6. p. 12. c. 146.

To ſtrike, hurte, or ſlay, ony perſon in Parliament, in the Kings Chalmer, Cabinet, Chalmer of peace, the Kingis palice, in the inner Tolbuith, the time of the ſitting of the Seſſion, in the councell houſe, in the time of Councell, or in ony place in preſence of the King. I, 6, p, 13, c, 173.

It is treaſon to all men, Spirituall and Temporall, to decline the Kingis judgement or juriſdiction. Ia, 6, p, 8, c. 129,

It is treaſon to impugne the authoritie of the three eſtaites, or to alter the ſamin. Ia. 6, p, 8, c, 130.

Treaſon committed be the predeceſſour, may cauſe his aire to be forefalted. I. 5, p, 6, c, 69.

Thriddes of Benefices in the Moneth of December, the zeir of G O D, ane thouſand, fiue hundreth, ſextie ane zeire, ar granted to the Miniſters of Gods worde. Ia. 6 p. 1. c. 10.

And they being firſt anſwered of their ſtipendes, the reſt and ſuper-plus ſuld bee employed to the Kingis uſe. Ia. 6 p. 12 c. 121.

Na thrid ſuld be payed of the benefices of cure, & laick patronages, provided to Miniſters. Ia. 6 p. 12 c. 158.

All diſpoſitiones of thriddes of benefices, and all giftes of ſuper-plus, and omitted of the thrid of benefices, ar revoked. Ia, 6. p. 11. c, 31.

Or in diminution of the firſt aſſumptiones. Ia. 6. p. 15. c: 240. c, 241

Tutour of law ſuld be the neareſt agnat, and kinſman of the father ſide, to the pupill, and xxv. zeires of age Ia. 3. p. 7 c. 51. To the King and Lieges, Iames Earle of Murray maid Regent and Tutour. I. 6. p, 1 c. 1. And ſiklike, Iohn, Earle of Mar, is maid Regent Iam, 6. p. 2. c. 34, Iames earle of Morton is maid Regent. Ia. 6. p. 3. c. 44.

The tutour and Governour of the Realme, induring the time of his Governance, may not giue ony landes fra the Crowne, nor analie ony landes perteining thereto, be reason of bastardrie, Ia,1,p,11, c,133,

V.

Vagaboundes schutting with Culveringes, or vther instrumentes at wilde fowles & beastes, suld be punished, Ia,6,p,1,c,16, Iam,6,p,6,c.74.
Quha suld be esteemed or called vagaboundes. Ia. 6,p,6,c,74.
They suld finde pleges, to vnderly the Law, Iam.6, p,11 c 97.
They suld be put in warde be the Schireffes, and vther judges, Ia,6,p,12,c,124,c,144,c,147. Iam. 6,p,15,c,268.
Weaponschawing foure times in the zeir. Ia,1,p,2,c,44. Ia,2,P,14,c,65, Armour prescrived to ilk estaite, Ia,1,p,3,c,60: Iam,3,p,13,c,89.
The maner and forme of weapon-schawing, and the paines of contraueeners, Ia,4,p,3,c,31,
Twise in the zeir, and thrise for the first zeir, Iam, 5,p,6,c,85.
The names of them quha cummis to weapon-schawing, suld be put in roll, with the maner of their armour. Ia,5,p,6,c,89.
Captaines suld be chosen for instruction of all the lieges, to use their armes, Ia,5,p,6,c,91,
The time of premonition to weapon-schawing Ia 5:p:6:cap. 90, All inhabitantes of Kirk-landes, annexed to the croun, sal be vnder commandement of the heretable stewardes and Baillies of regalities, halden of before of the Kirk. Ia,6,p,11,c,29,
Warrandice, Kirk-men, quhais landes ar annexed to the Crowne, sall not be oblisshed to warrand ony disposition of the saidis Temporall landes, bot fra their awin deede allanerlie, Ia,6,p,11,c,29,c,110.
It is leasum to all men to call their warrand of ony richt maid to them, Mar,p,6,c,42.
Warde, The Wardatar may not destroy or wast the landes fallen in his handes, be reason of Warde, and suld susteine the aire, not hauand sustentation. Ia,4,p,3,c,25, Ia. 5,p,4,c,14,
The tennentes of landes in warde, suld not be remooved therefra, quhill Whit-sunday: *vide* Remooveing, Warde, Mariage, and Relefe of them, quha dies in the Kingis hoist or Armie: *vide* Hoist.
Wardaine of Craftes-men, *vide* Craftes-men-*vide* Deakonnes.
Wardaine suld keip the trewes on the Bordoures, and suld answere for his deputes, Ia,2,p,6,c,16, Ia,4,p,2,c,11. His office suld nor be heretable. He is not judge to treason, nor to Dittay. Iam,2,p, 11,c,42. The wardaine may not giue licence to transport Kye, Oxen, Scheipe, or uther Cattle furth of the Realme, Ia,3,p,4,c,24. He may continue his court, for three daies, Iam,3,p,12,c,87.
He suld punish malefactoures in his court, Iam 4,p,2,c,11, He suld escheit all victuall, woll, nolt, and scheip, carried in England, the halfe to himselfe, the vther halfe to the King, Ia,6,p,11,c,55 Iam,6,p,12,c,149.
The Wardaine suld put in roll, the names of Englisshmen dwelland in Scottish bordoures. I.6,p.11 c.105.
Wardaine of the Cuinzie, suld examine the finesse of gold and silver. Ia.3.p.13.c.93. Ia.4.p.1.c.2.
He suld present in ane buist, the assay of cuinzie, to the Auditoures of the Checker, that the finesse thereof, may be examined. Iam.2.p.13.c.59.
The Wardaine sall furnish the cuinzieour with bullieon, and pay the merchandes therefore. He suld keip the irones, he suld present the assay of silver and gold, and make compt in the Checker, of all ounces of gold and silver cuinzied. Iam.4 p 1.c.2.
Water mettes ordained to be vsed. Ia,1.p.5:c.58.
The measure and quantitie thereof. Ia.1.p.3.c.58: Ia.1.p.4.c.70. Ia.2.p.14,c.74.
Weightes ordained, quhair-with all men suld bye and sell. Iam.1,p,3.c.57. Iam.1.p.4.c.69: Iam.4.p.3.c.33 Iam.4.p.6.c.96. Quhilk suld be vniversal throcht the haill realme. Ia.5:p.7.c.109.c.114.
Weightes of Wax and spice, suld conteine sexteene ounce to the pound. Ia.4.p.3.c.33
Weemen suld not cum to the Kirk musselled. Iam.2.p 14.c.71.
Weir. vide Hoist.
Victuall, byers and keipers thereof to ane dearth, punished as ockerers. Iam.2.p.6.c.23.
Victuall suld not be keiped, bot brocht to the mercat, and all the lieges at all times may bye and sell the samin. Auld stackes suld not be keiped after Zule. Ia.2.p.6.c.24.
All maner of men, ar free to bring and sell victuall, all the daies of the oulk, alsweill as on the mercat day. Ia.4 p.4.c.44. Ia.4 p.6,c,92.
Corne suld be threschen out, before the first daye of Maij. Iam.2.p.9.c.37. Victuall suld not be girnalled after Michael-mes. I.2.p.9.c.38.
Na mair suld be halden be any man, nor may susteine him. Ia.2 p.9 c.39.
In bringers of victuall, suld be weill treated. Ia.2, p.10.c.40. Ia.3.p.10.c.72. Iam.3.p.14.c.114.
Price of victualles suld be maid be the Barronnes and officiares within burgh. Ia.4 p.5.c.56. *vide* Price. Victuall suld not be sauld to England. Ia. 5.p.4.c.19. Nor caried furth of the realme. Mar.p 6.c.40. Neither be land, nor be sea, Ia,6 p,11,c,55.
Violent possessour, is he quha being decerned to flit and remove fra the landes, refusis and dissobeyis. Mar.p.6.c.30.
Visitoures of Craftes-men: *vide* Craftes-men.
Witchcraft, Sorcerie, Necromancie, vsers thereof, and consulters therewith, suld be punished to the death Mar.p 9 c.73.
Witnesse ar necessarie in al obligationes, bandes, and vther writes. Iam.5.p.7.c.117.
Witnesse insert in instrumentes, suld bee required and designed be the Notar. Mar.pa.6.cap.44, Mar.p 8.c.76.
Foure witnesses speciallie designed, ar required in writtes of great importance. Ia.6.p,6,c,80.
Letters of horning and indorsation, may nocht bee proven be witnesse. Iames the Sext, p.6, Ca.94.

Vnion, vide Annexation.

Vnlaw, or pecuniall paine of them quha compeiris not in Parliament, Ia.1.p.6: I*n prince*. Ia.6.p 11.c:34. And in general Councells Ia.1.p 7. *In prince*. As also in Checker, not compeirand. Ia,6,p,11.c.63. Of iuſtice aires, and of aſſiſers not compeirand. Ia. 6.p,11.c,81. Of perſones arreſted, and not compeirand in iuſtice aires, Ia.6 p.13.c.166. The paine pecuniall of the generall bande, is divided betuixt the King, and the partie I,6,p,15,c,269. Vnlawes, or pecuniall paines of ſilver higher vp. Ia.6.p.11,c. 70 Ia.6 p.15.c,267. *vide* Money.

Woodds and trees ſuld be planted. I,2,p,14,c.81. Iam. 4.p,6.c,74 Ia.5.p.4.c.9. Ia.6 p.6.c.84. Woodde, and deſtroyers thereof. *vide* Dittay. Iam,5.p.4.c.10. Ia.6,p,6,c,84. Stealers thereof, ſuld be puniſhed be him, fra quhom it is ſtollen. I.1.p.2.c.34. Wooddes ſuld not be ranged without the licence of the awner. Mar.p.6.c:51. Woodde of Faulk-land ſuld be cutted, and of new parked and haned. M.p.6.c.49

Wod-ſettes, *vide* Redemption: Na mair ſuld be taken as zeirlie annuell. bot ten for the hundreth, or fiue bolles victuall, for the hundreth poundes. Iam.6.p. 11.c,52. *vide* Annuel-rent.

Wolfe, and Wolfe quhelpes ſuld be hunted and ſlaine: Ia.1,p 7.c.104: Ia.2.p.14.c. 88.

Wooll ſuld not be caried in England: *vide* Forbodin gudes. Ia.6.p.12.c,149. Ia.6 p.7.c.113. Ia.6.p,10.c. 15. Ia.6.p.15.c.250. Ane ſak of woll, conteinis xxiiij ſtanes. Iam.6 p,7.c.108.

Woollen claith ſuld be met be the rig, and not be the ſelvedge. Ia,3.p.5.c.31. Ilk duzane of claith, ſuld conteine twelue elnes allanerlie. Ia.6,p.7.c.108.

Writers of all Charters, contractes, and vther evidents ſuld inſert their names in the ſamin. I,6.p.13.c.175.

Vſurie and ocker, quhat it is, and puniſhment thereof. Ia,6.p.14.c.222. Vſurers in the Law cuntries ſuld be puniſhed be the Conſervatour. Ia,6.p.15.c,259.

Wilde-beaſtes, ſik as Hairt, Hinde, Hares, Cunninges, Deare, Rae, and vthers, ſuld not be ſlaine be ſchutting at them, vnder the paine of death, and eſcheit of al guds moveable. M.p.6.c,58. M.p.4,c,9, I.6.p, 7,c.123. Vnder the paine of thieft. I.5,p,4,c,12. Ia, 6,p,11, c,59, Ia 6,p,14,c,210, Iam,6,p,15.c, 266, *vid*. Dittay. Ia,6,p,1,c.16, And judges not putting the ſaidis actes to execution ſuld be puniſhed. Iam, 6,p,7,c-123, Na man ſuld ſlay Daes, Raes, Deere, in time of ſtorme or ſnaw, nor Kidds, quhil they be ane zeir auld, nor hunt nor ſchutt at them in cloſes, parkes, or take cunninges or dowes, or fiſh out of vther mennis Cunningaires, dowcattes or ſtankes, Ia,3.p,7,c.60.

Wild-fowles, ſik as Partrickes, Pluvers, Black-Cockes, Gray hens, Mure cockes, ſuld not be taken fra the beginning of Lentrō, vntil Auguſt. Ia.1.p.7.c.108, They ſuld not be ſlaine in muting time. I.2.p.14.c. 85. Na egges ſuld not be taken furth of Partricks or wild fowls neſts, I.3.p.7.c.59. Na man ſuld ſchut at wild fowles, vnder the paine of death, and tinſel of their moveable gudes. M,p.4.c.9. M.p.6.c.51. I.6. p.1:c.16. Ia.6:p:14.c.210. Ia:6:p:15:c:266. Wilde-fowles of riete ſuld be deſtroyed. Iam.2.par.14.ca. 85.

Wine ſuld not be brocht in Scotland fra the Flemings of the Dam. Ia.1.p.13.c.147. Bringers hame, and ſellers of corrupted or mixt wine, ſuld be puniſhed to the death. Ia.3 p.12.c.88. Mar,p.5.c.11. The price of wine ſuld be maid be the Proveſt, Baillies, and Councell of the Burgh. Ia.5.p.7.c.100. Mar.p.6.c. 57. Wine ſuld not be keiped quiet, or hurded vp in tavernes. Mar.p,5.c.11. Wine ſuld not be mixt, corrupt, nor hid in privie places. Ia.6.p.7.c.126. The price of wine, how meickle, and be quhom it ſuld be ſet. Ia.5.p.7.c.100. Mar.p.5.c.11. Ia.6,p.11. c.53. Ony kinde of merchandice may be caried furth of the realme, be them quha bringis hame wine, or ſalt. Ia,5,p,4,c,24. Impoſt and dewtie granted to the King of all wines. Ia.6.p.14,c.206. The Perſon of the benefice, ſuld finde bread and wine to the Communion. Ia.6.p,3,c,54.

Z.

Zairdes or Orchardes, & breakers thereof, ſall aſſithe the partie, and pay ane vnlaw of fourtie ſhillinges, Ia.1.p:2:c.33, Zairdes and Orchardes ſuld not be deſtroyed. Ia,6,p.6,c,84.

FINIS.

Faultes eſcaiped in the Prenting. Fol. ſignifieth the leafe. A. The firſt ſide or Page of the leafe. B. the ſecond ſide. L. the line in the *quhilk the fault is*. R. *reade.*

IAMES The Firſt, &c. F. 5 B. l. 22 r. Of that craft, and be the laſe of that craft, B l. 14. r. may be kend, and the treſpaſ- paſſour to be of power to make ane mendis of. f. 17 a, l. 1. r. in Burrowes, and the Aldermen, Baillies, and Councell in burrowes. f. 19. a. l. 26. r. Within court, or out of court. F. 31. a. l. 7. r. liue vpon, and ſia they haue not to liue vpon. f. 50. a. l. 28. r. for auld groate, new groate of Edward f. 52. a. l. 6. r. for thrid fourth. f. 53. b. l. 8. r. bigane and to cum. f. 55 b. l. 34. r. paine of death, and that na maner of perſon bring into this realme ony ſtrange black money of vther realmes, or counterfeit the Kingis money, vnder the paine of death, as ſaid is f. 65 a. l. 22 r. for bye it, top it. f. 67. a. l. 9. for twelue pennie fine. r. elleven pennie fine. f. 78. a. l. 3. r. Inleſtments, few fermes, fees. f. 92. a. l. 20. r. to the King to be puniſhed. f. 93. b. l. vlt. for benefices r. brieues.

IAMES The Sext. F. 24. B. l. 34. r of the acte and ordinance, maid be the Q. f. 47 a. l. 2. r. for reſerved, receiued. f. 65 b. l. 29. r. the ſame with reſervation. f. 67. a. l. 1. r. poſſeſſiones. Eodem. f. b. l. 10. r. for returne occurre l. 16. for curatour. r. tutour. l. 18. a. l. 13. r. to the Crowne in this Parliament, or. l. penult. r. for rentallers, rentalles. f. 69. a. l. 29. r. for feure filottes, three filottes. f. 71. a. l. 11. r. for preuiſiones, perſiones. f. 75. a. l. 23. r for preſented, perſewed. l. 36. a. r. for delivered, delated. f. 75. b. l. 16. and 26. r. for of. for. f. 81. b. l. 8. r. of the reſtitution. f. 82. b. l. 11. r. for annulled, annalied. f. 83. a. l. 30. r. for Schireſſes, Schireſſhippes. f. 84. a. l. 12. for twentie foure, r. twentie three. f. 86. a. l. 27. for houſe. r. honour. eod. f. b. l. 9. for preuid, pond. f. 88. a. l. 29. for on, read or. l. 43. for ended. r. intended. f. 89. b. l. 15. for uſed. r. viſied. f. 90. b. l. 22. for. fiue markes, read fiue hundreth marks. f. 98. b. l. 7 r. at ony time three therof. f. 105 a l. 10. for aſſigned. r. aſſumed. eod. f. b. l. 3. for allowed. r. alterted. f. 107. a. l. 42. r. of victuall and ſtuffe vſed in times by paſt to be mette be ſtrake. ſik as Quheate, Rie, Beanes, Pees, meill, and quhite ſalt, ſauld in the mercattes. & in the cuntrey. eod. f. b. l. 2. for fermes. r. formes. l. 34. for ring. r. richt. f. 108. a. l. 8 r. weigh receiue, and deliver. f. 113. a. l. 22. r. before the Synodal & Generall aſſemblies. eod. fol. b. l. 3. for delivered. r. devolved. f. 116. a. l. 7. for hail. r able. f. 124. a. l. 25. r pairtues be. f. 129. a. l. vlt. for portes. r portes. f. 125. b. l. 22. r. conſerr ret had. f. 136. a. l. 8. for peace. r. preſence. f. 139. a. l. 8. for diviſiones. r dimiſſiones. f. 141. b. l. 12. for be. r. for f. 142. a. l. 8. for tennentes. r. tenements. f. 159. a. l. 13. r. Lennox. Of the temporalitie of &c. f. 170. b. l. 40. for Stewardes. r. ſtentars.

FINIS.

A TABLE OF ALL THE *KINGES OF SCOTLAND, DE-claring quhat zeir of the warld and of Christ* they began to reigne, how lang they reigned, and quhat qualities they were of. Verie necessar for the manifestation of the *dates of all charters and evidentes*

I FERGVS, the first King of Scotlande, the sonne of *Ferquhard*, a prince of Ireland, began to reigne in the zeire of the warld, 3641. before the cumming of our Saueour Iesus Christ, 330. zeires, In the first zeire of the 112. Olympiade: & in the 421. zeir of the building of Rome: About the beginning of the 3. Monarchie of the Grecians, when *Alexander* the Great ouerthrewe *Darius Codomannus* the last Monarch of Persia. He was a valiant Prince, and died ship-broke vpon the Sea-coast of Ireland, in the 25. zeir of his reign.

II *Feritharis* brother to *Fergus*, began to reigne in the zeire of the warlde 3666. in the zeire before the cumming of Christ 305. He was a good justitiar. In his time there was a Lawe made, that gif the sonnes of the King departed were so zoung, that they could not rule, that then in that caise, the neareſt in bloud suld reigne, being in age sufficient for gouernement, and then after his death, the Kings children suld succeide: quhilk law continued vnto *Kenneth* the 3. his dayes, 1025 zeires almost. He was slaine be the meanes of *Ferlegus*, *Fergus* his brothers sonne, in the 15. zeire of his reigne.

III *Mainus* King *Fergus* sonne, succeded to his fathers brother, in the zeire of the warlde 3680. and in the zeire before the cumming of Christ, 291. He was a wise and gud King, and died peaceably in the 29. zeire of his reigne.

IIII *Dornadilla* succeeded to his father *Mainus*, in the zeire of the warld, 3709. In the zeir before the cumming of Christ 262. A gud King. He made the first lawes concerning Hunting, and died peaceably in the 28. zeire of his reigne.

V *Nothatus* succeeded to his brother *Dornadilla*, in the zeire of the warld, 3738. And in the zeir before the cumming of Christ 233. He was a greedie and a cruell tyrant. He was slaine by *Dovalus* one of his Nobles, in the 20. zeire of his reigne.

VI *Reutherus Dornadilla* his ſonne, began to reigne in the zeir of the warld 3758. In the zeire before the cumming of Chriſte 213. He was a gud King, and died peaceably in the twentie ſex zeire of his reigne.

VII *Reutha* ſucceeded to his brother *Reutherus*, in the zeire of the warld 3784. In the zeir before the cumming of Chriſt, 187. A gud King, He of his awne accord left the kingdome and liued a private life, when he had ruled 14. zeires.

VIII *Thereus*, *Reutherus* ſonne, began to reigne in the zeire of the warld 3798. In the zeire before Chriſt 173. He was ane vnwiſe, cruell tyrant: He was expelled and baniſhed the Realme in the 12. zeire of his reigne, be his Nobles: And *Conanus* a wiſe and graue man, was maid gouernour of the land. He died in exile in the citie of Yorke.

IX *Ioſina* ſucceeded his brother *Thereus*, in the zeire of the warlde 3810. In the zeire before Chriſt 161. He was a quiet and gud prince. A gud medicinar and Herbiſter. He died in peace in the twentie foure zeire of his reigne.

X *Finnanus*, *Ioſina* his ſonne, began to reigne in the zeire of the warld 3834. In the zeire before Chriſt 137. A gud King. He was meikle giuen to the ſuperſtitious religion of the Druydes. He died in peace in the 30 zeire of his reigne.

XI *Durſtus*, *Finnanus* ſonne, ſucceeded to his father in the zeire of the warld 3864. In the zeire before Chriſt 107. A cruell and a traiterous tyrant, ſlaine be his Nobles in battell, in the 9. zeire of his reigne.

XII *Evenus* 1. ſucceeded to his brother *Durſtus*, in the zeire of the warlde three thouſand, aucht hundred, ſeuentie three. In the zeir before the cumming of Chriſt, 98 zeires. A wiſe, juſt, and vertuous prince. He died peaceably in the 19. zeir of his reigne.

XIII *Gillus*, *Evenus* baſtard ſonne ſucceeded to his father, in the zeir of the warld 3892. In the zeire before Chriſt 79. A craftie tyrant, ſlaine in battell be *Cadallus*, in the 2. zeir of his reigne.

XIIII. *Evenus* 2. *Douallus* ſon, K. *Finnanus* brother, began to reigne in the zeire of the warld 3894. In the zeir before the cumming of Chriſt 77. A gud and ciuill King. He died in peace in the ſeuentene zeire of his reigne.

XV *Ederus*, *Dochamus* ſonne, *Durſtus* ſonne, began to reign in the zeir of the warld 3911. In the zeir before the cumming of Chriſt 60. A wiſe valiant and gud prince. He died in the 48. zeire of his reigne.

XVI *Evenus* 3. ſucceeded to his father *Ederus* in the zeire of the warld, three thouſand nine hundred. 59. In the zeire before the cumming of Chriſt 12. A luxurious and covetous wicked King. He was taken be his Nobles, and impriſoned, & died in priſon, in the ſeventh zeir of his reigne.

XVII *Metellanus*, *Ederus* brothers ſonne, began to reigne in the zeir of the warlde 3966. Foure zeires before Chriſtis Incarnation. A verie modeſt and gud King. He died in the 39 zeire of his reigne.

XVIII *Caractacus, Cadallanus* and *Eropeia Metellanus* ſiſters ſonne, began to reigne in the zeir of the warld 4005. In the zeire of Chriſt 35. He was a wiſe and a valiant King, and reigned 20. zeires.

XIX *Corbredus* 1. ſucceeded to his brother *Caractacus*, In the zeire of the warld 4025. In the zeire of Chriſt 55. A wiſe King, and a gud juſtitiar. He died in peace in the 18. zeire of his reigne.

XX *Dardannus*, Nephew to *Metellanus*, began to reigne, In the zeire of the warld 4042. In the zeire of Chriſt 72. A cruell tyrant. He was taken in battell, and beheaded be his owne ſubjects, in the fourth zeire of his reigne.

XXI *Corbredus* 2. ſur-named *Galdus*, *Corbredus* ſonne, began to reigne in the zeire of the warlde 4046. In the zeire of Chriſt 76. A valiant and worthy King, for he had many warres with the Romaines, and was oft victorious over them. He died in peace in the 35. zeire of his reigne.

XXII *Lugthacus*, ſucceeded to his father *Corbredus* 2. In the zeire of the warld 4080. In the zeire of Chriſte 110. A lecherous bloodie tyrant. He was ſlaine be his Nobles in the 3. zeire of his reigne.

XXIII *Mogallus*, *Corbredus* 2. ſiſters ſonne. He began to reigne in the zeir of the warld 4083. In the zeire of Chriſt 113. A gud King and victorious, in the beginning of his reigne: But in the end of his life, became inclined to tyrannie, lecherie and covetouſnes, and was ſlaine be his Nobles in the 36. zeire of his reigne.

XXIIII *Conarus*, ſucceeded to his father *Mogallus*, In the zeire of the warld 4119. In the zeir of Chriſt 149. A lecherous tyrant. He was impriſoned be his Nobles, and died in priſon in the 14. zeir of his reigne: and *Argadus* a Noble man was made governour.

XXV *Ethodius* 1. *Mogallus* ſiſters ſonne, began to reigne in the zeire of the warlde 4133. In the zeire of Chriſte 163. He was a gud prince. He was ſlaine be ane Harper, in the 33. zeire of his reigne.

XXVI *Satraël*, ſucceeded to his brother *Ethodius* 1. In the zeir of the warld 4165. In the zeire of Chriſt 195. A cruell tyrant. He was ſlaine be his owne Courteours, in the 4. zeire of his reigne.

XXVII *Donald* 1. the firſt Chriſtian King of Scotland, ſucceeded to his brother *Satraël* in the zeire of the warld 4169. In the zeire of Chriſt 199. a gud & a religious King. He was the firſt of the Kings of Scotland that cunzied money of golde and ſiluer. He died in the aucht-teene zeire of his reigne.

XXVIII *Ethodius* 2. *Ethodius* 1. ſonne, began to reigne in the zeire of the warld 4186. In the zeire of Chriſt 216. Ane vnwiſe and baſe minded King, governed be his Nobles. He was ſlaine be his owne guard in the 16. zeire of his reigne.

XXIX *Athirco*, ſucceeded to his father *Ethodius* 2. in the zeire of the warlde 4201. In the zeire of Chriſt 231. A valiaunt prince in the beginning, but he degenerated and became vitious, and being hardly per-

ſewed be his Nobles for his wicked life, ſlewe himſelfe in the 12. zeire of his reigne.

XXX *Nathalocus*, brother ſonne, as ſome write, to *Athirco*, began to reigne in the zeire of the warld 4212. In the zeir of Chriſt 242. A cruell tyrant, ſlaine be his Nobles, and caſt away into a privie, in the 11. zeir of his reigne.

XXXI *Findocus*, *Athirco* his ſonne, began to reigne in the zeire of the warld 4223. In the zeir of Chriſt 253. A gud King and valiant, Slaine be feinzied Hunters, at the inſtigation of *Donald*, Lorde of the Iles his brother, in the 11. zeire of his reigne.

XXXII *Donald* 2. ſucceeded to his brother *Findocus*, in the zeire of the warld 4234. In the zeire of Chriſt 264. A gud prince. He was wounded in battell, and being ouercome, died of diſpleaſure in the firſt zeire of his reigne.

XXXIII *Donald* 3. Lord of the Iles, brother to *Findocus*, began to reigne in the zeire of the warld 4235. In the zeire of Chriſt, 265. A cruell tyrant, ſlaine be *Crathilinthus* his ſucceſſor, in the 12. zeire of his reigne.

XXXIIII *Crathilinthus*, *Findocus* ſonne, began to reigne in the zeire of the warld 4247. In the zeire of Chriſt 277. A valiant and a godly king, he purged the land from the Idolatrous ſuperſtition of the Druydes, & planted the ſyncere Chriſtian religion. He died in peace in the 24. zeire of his reigne.

XXXV *Fincormachus*, father brother ſonne to *Crathilinthus*, began his reign, in the zeir of the warld 4271. In the zeir of Chriſt 301. A godly King & valiant. He was a worthy promover of the kingdome of Chriſt in Scotland. He died in peace in the 47 zeir of his reigne.

XXXVI. *Romachus* brothers ſonne to *Crathilinthus* began to reigne in the zeir of the warld 4318. In the zeire of Chriſt 348. A cruell tyrant, ſlaine be his Nobles, and his head ſtriken off, in the thirde zeire of his reigne.

XXXVII *Anguſianus*, *Crathilinthus* brothers ſonne, ſucceeded to *Romachus* in the zeire of the warld 4321. In the zeire of Chriſt 351. A gud King, ſlaine in battell be the Pictes, in the 3. zeire of his reigne.

XXXVIII *Fethelmachus*, another brothers ſonne, of *Crathilinthus*, he began to reigne in the zeir of the warld 4324. In the zeir of Chriſt 354. He was a valiant King, for he ouercame the Pictes, & ſlewe their King. He was betrayed to the Pictes be ane Harper, and ſlaine be them in his owne chalmer in the 3. zeire of his reigne.

XXXIX *Eugenius* 1. *Fincormachus* ſonne, began to reigne in the zeir of the warlde 4327. In the zeire of Chriſte 357. A valiant, juſt, and gud King. He was ſlaine in battell be the Pictes and Romaines in the 1. zeir of his reigne. And the whole Scottiſh nation was vtterly expelled the Ile be the Pictes and Romaines, and remained in exile, about the ſpace of 44. zeires.

XL *Fergus* 2. *Erthus* ſonne, ſonne to *Ethodius*, *Eugenius* the firſte his brother, returning into Scotland, with the help of the Danes & Gotthes and his owne cuntrie-men who were gathered to him out of all cuntries where they were diſperſed, conquered his kingdome of Scotlande againe out of the Romaines and Pictes handes. He began his reigne, In the zeire of the warld 4374. In the zeire of Chriſt 404. He was a wiſe, valiant and gud King. He was ſlaine be the Romaines in the 16. zeire of his reigne.

XLI. *Eugenius* 2. *Fergus* 2. ſonne, ſucceeded to his father, In the zeir of the warld 4390. In the zeir of Chriſt 420. He was a valiant and a gud prince. He ſubdewed the Britones, and died in the threttie twa zeire of his reigne.

XLII *Dongardus* ſucceeded to his brother *Eugenius* 2. In the zeire of the warlde 4421. In the zeire of Chriſt 451. A godly, wiſe and a valiant prince. He died in the 5. zeire of his reigne.

XLIII *Conſtantine* 1. ſucceeded to his brother *Dongardus*, In the zeir of the warld 4427. In the zeire of Chriſt 457. A wicked prince. He was ſlaine be a Noble man in the Iles, whoſe daughter he had defiled, in the 22. zeire of his reigne.

XLIIII *Congallus* 1. *Dongardus* ſonne, began to reigne, in the zeire of the warld 4449. In the zeire of Chriſt 479. A gud and quiet prince. He died in peace in the 22. zeire of his reigne.

XLV *Goranus*, or *Conranus*, ſucceeded to his brother *Congallus* 1. In the zeire of the warld 4471. In the zeire of Chriſt 501. A gud and a wiſe prince. He died in the 34. zeire of his reigne.

XLVI *Eugenius* 3. *Congallus* ſonne, ſucceeded to his father: In the zeire of the warld 4505. In the zeire of Chriſt 535. A wiſe King, and a gud juſtitiar. He died in the 23, zeire of his reigne.

XLVII *Congallus* 2. or *Convallus*, ſucceeded to his brother *Eugenius* 3. In the zeire of the warld 4528. In the zeire of Chriſt 558. A verie gud prince. He died in peace in the 11. zeire of his reigne.

XLVIII *Kinnatillus* ſucceeded to his brother *Congallus* 2. in the zeire of the warld, 4539. In the zeire of Chriſt 569. A gud Prince. He died in the firſt zeire of his reigne.

XLIX *Aidanus Conranus* Sonne, began to reigne, in the zeire of the warld 4540. In the zeire of Chriſt 570. A Godlie and gud Prince. He died in the 35. zeire of his reigne.

L *Kennethus* 1. ſur-named *Keir*, *Congallus* 2. ſonne, began to reigne in the zeir of the warld 4575. In the zeir of Chriſt 605. A peaceable prince. He died in the 1. zeire of his reigne.

LI *Eugenius* 4. *Aidanus* ſonne, began to reigne in the zeire of the warld 4576. In the zeire of Chriſt 606. A valiant and a gud King. He died in the 16. zeire of his reigne.

LII *Ferquhard* 1. ſucceeded to his father *Eugenius* 4. In the zeire of

the warld 4591, In the zeire of Christ 621. a bluidie tyrant. He slew himselfe in prison in the 12. yeire of his reigne.

LIII *Donald* 4. succeeded to his brother *Ferquhard*, 1 in the zeir of the warld 4602. In the zeire of Christ 632. He was a gud and religious King he was drowned in the water of *Tay*, quhill he was a fishing in the 14. zeire of his reigne.

LIIII *Ferquhard* 2. succeeded to his brother *Donald* 4. In the zeire of the warld 4616. In the zeire of Christ 646. A verie wicked man. He was bitten by a wolfe in hunting, of the quhilk insewed a fever whereof he died in the 18. yeere of his reigne.

LV *Malduine Donald* 4. his Son began to reigne in he zeire of the warld 4634. In the zeire of Christ 664. a gud prince, strangled be his wife who suspected him of Adulterie, in the 20. zeire of his reigne.

LVI *Eugenius* 5. *Maldvine* his brothers sonne, began to reigne in the zeire of the warld 4654. In the zeire of Christ 684. A false prince, slayne by the Pictes in battalle in the fourth zeire of his reigne.

LVII *Eugenius* 6. *Ferquhard* 2, his sonne, began to reigne in the zeire of the warld 4658. In the zeire of Christ 688. A gud prince, hee died in peace in th 10. yere of his reigne.

LVIII *Ambirkelethus Findanus* sonne, *Eugenius* 5. sonne, began to reigne in the zeire of the warld 4667. In the zeire of Christ 697. He was slaine be the shot of ane arrow, by quhom it was shut it is vnknawin, (a vicious prince) in the second zeire of his reigne.

LIX *Eugenius* 7. succeeded to his brother *Ambirkelethus*, in the yeir of the warld 4669. In the yeire of Christ 699. Hee died in peace in the 17. yeire of his reigne. a gud prince.

LX *Mordacus Ambirkelethus* sonne began to reigne in the yeire of the warld 4685. In the yeire of Christ 715. A gud prince. He died in the 16. yeire of his reigne.

LXI *Etfinus Eugenius* 7. his sonne, began to reigne in the yeire of the warld 4700. In the yeire of Christ 730. He died in peace in the 31. yeir of his reigne.

LXII *Eugenius* 8. *Mordacus* sonne, began to reigne in the yeire of the warld 4771. In the yeire of Christ 761. a gud prince in the beginning of his reigne, and thereafter degenerating from his gud life, he is slaine by his Nobles in the 3. yeire of his reigne.

LXIII *Fergus* 3. *Etfinus* sonne, began to reigne in the yeire of the warld 4734. In the yeire of Christ 764. A lecherous prince, poysoned by his wife in the 3. yeire of his reigne.

LXIIII *Solvathius Eugenius* 8. sonne, began to reigne in the yeire of the warld 4737. In the yeire of Christ 767. A good prince, he died in peace in the 20. yeire of his reigne.

LXV *Achaius*, *Etfinus* sonne, began to reigne in the yeire of the warlde foure thousand 757. In the yeire of Christ 787. A peaceable, gud and godlie prince. He maid a leaguе with Charles le maigne Emperour

and

and King of *France*, quhilk remained in violablie keiped to this day. He died in the 32. zeire of his reigne.

LXVI *Congallus* or *Convallus*, *Achaius* fathers brothers ſonne began to reigne in the yeire of the warld 4789. In the zeir of Chriſt 819. A gud prince, he died in the 5. zeire of his reigne.

LXVII *Dongallus*, *Solvathius* ſonne ſucceeded in the zeire of the warld 4794. In the zeire of Chriſt 824. A valiant and gud prince. He was drowned cumming over the river of *Spey* to warre againſt the Pictes, in the ſeventh zeire of his reigne.

LXVIII *Alpinus Achaius* ſon, began to reigne in the zeire of the warld 4801. In the zeir of Chriſt 831. A gud prince. He was taken in battell and beheaded be the Pictes in the 3. zeire of his reigne.

LXIX *Kenneth* 2. ſurnamed the Great, ſucceeded to his father *Alpinus*, in the zeire of the warld 4804. In the zeire of Chriſt 834, a gud and a valiant prince. He vtterlie overthrew the Pictes in divers battelles, expelled them out of the lād, & joyned the kingdome of the Pictes to the Crown of *Scotland*. He died in peace in the 20. zeire of his reigne.

LXX *Donald* 5. Succeeded to his brother *Kenneth* 2. In the zeire of the warld 4824. In the zeire of Chriſt 854. A wicked Prince: he ſlew him ſelfe in the 5. zeire of his reigne.

LXXI *Conſtantine* 2. *Kenneth* 2. his ſonne began to reigne in the zeir of the warld 4829. In the zeire of Chriſt 859. A valiant prince. Hee was ſlaine by the Danes in a cruel battel ſtricken at *Carraill* in Fife, in the 16. zeire of his reigne.

LXXII *Ethus* ſurnamed *Alipes*, *Conſtantine* 2. his ſonne, ſucceeded to his father In the zeire of the world 4844. In the zeire of Chriſt 874. A vitious prince, he was impriſoned be his Nobles, where he died in the 2. zeire of his reigne.

LXXIII *Gregorie*, ſurnamed the Great, *Dongallus* ſonne, 2. began to reigne in the zeire of the warld 4846. In the zeire of Chriſt 876. A valiant, victorious and renowmed prince throw the warld in his time: he died in peace in the 18. zeire of his reigne.

LXXIIII *Donald* 6. *Conſtantine* the 2. his ſonne, began to reigne in the zeire of the warld 4863. In the zeire of Chriſt 893. a valiant prince. He died in peace being loved of his ſubjects in the 11. zeir of his reigne.

LXXV *Conſtantine* 3. *Ethus Alipes*, ſonne began to reigne in the zeire of the world 4874. In the zeire of Chriſt 904. He was a valiant King, yet he proſpered not in his warres againſt England, & therefore being wearie of his life, he became a Monke, and died after he had reigned 40. zeirs as King.

LXXVI *Malcolme* 1. *Donald* 6. His ſonne, began to reigne in the zeire of the warld 4913. In the zeire of Chriſt 943. a valiant prince and a gude juſtitiar: He was ſlaine in *Murray* by a conſpiracie of his awin ſubjectes, in the 9. zeire of his reigne.

LXXVII. *Indulfus Conſtantine* 3. his ſonne, began to reigne in the yeare

zeire of the warld, 4922. In the zeire of Christ, 952. a valiant and a gud Prince. He had manie battalles with the *Danes*, quhom he overcame, but in the ende he was slaine by them in a stratageme of weire, in the 9. zeire of his reigne.

LXXVIII. *Duffus*, *Malcolme* the first his sonne, began to reigne in the zeire of the warld, 4931. In the zeir of Christ, 961. A gud prince and a severe justitiar. He was slaine be one *Donald* at Forres in Murraie, and was buried secretlie vnder the Brig of a river beside Kinlosse, but the mater was revealed, and the murtherer and his wife, that consented therto severely punished. He reigned 5. zeire.

LXXIX *Culenus Indulfus* Sonne, began to reigne in the zeire of the warld, 4936. In the zeire of Christ 966. Ane vicious and an effeminate Prince. Hee was slaine at *Methven* by *Radardus* a Nobleman, whose daughter he had defiled in the 4. zeire of his reigne.

LXXX. *Kenneth* 3. *Duffus* Brother, began to reigne in the zeire of the warld, 4940. In the zeire of Christ 970. A valiant and a wise prince: But in the end he became cruell, and slew *Malcolme* his brothers Sonne, and in Gods judgement, who suffereth not innocent bloud to be vnpunished, he was slaine by a strange ingine, ane Image fixed in an wall, at *Fettircarne* by the meanes of a Noble woman there, called *Fenella*, in the 24. zeire of his reigne.

LXXXI. *Constantine*, 4. surnamed *Calvus*, *Culenus* Sonne, began to reigne in the zeir of the warld 4964. In the zeir of Christ 994. Ane vsurper of the Crown. He was slaine in battell at the towne of Crawmond in Louthian, in the 2. zeire of his reigne.

LXXXII. *Grimus Duffus* Sonne, began to reigne in the zeire of the warld 4966, In the zeir of Christ 996. a vicious Prince, he was slaine in battell by *Malcolme* 2. his successour in the 8. zeire of his reigne.

LXXXIII. *Malcolme* 2. *Kenneth* 3. his sonne, began to reigne in the zeire of the warld 4974. In the zeire of Christ 1004. A valiant and a wise Prince, quha maid manie gud lawes, of the quhilk a few are zit extant. He was slaine by a conspiracie of his Nobles at the Castell of *Glammes*, who after the slaughter, thinking to escape, were drowned in the Loch of *Forfar*, for it being winter, and the loch frozen & covered with snaw, the yce brake & they fell in. in the righteous judgment of God. He reigned 30 zeires. ✻ The table is to follow on, in this place.

LXXXIIII. *Duncane* 1. *Beatrix*, *Malcolme* the Second his daughters Sonne, began to reigne in the zeire of the warld 5004. In the zeare of Christ 1034, a gud and a modest Prince. He was slaine by *Macbeth* traiterouslie, in the sext zeire of his reigne.

LXXXV *Mackbeth*, *Dovada Malcolme* the second his daughters Son, began to reigne in the zeir of the warld, 5010. In the zeir of Christ. 1040. In the beginning of his reigne he behaved himselfe as a gud and just Prince, bot thereafter he degenerated into a cruell tyrant. He was slayne by his Successour *Malcolme* 3. in battel, in the 17. zeir of his reign.

LXXXVI *Mal-*

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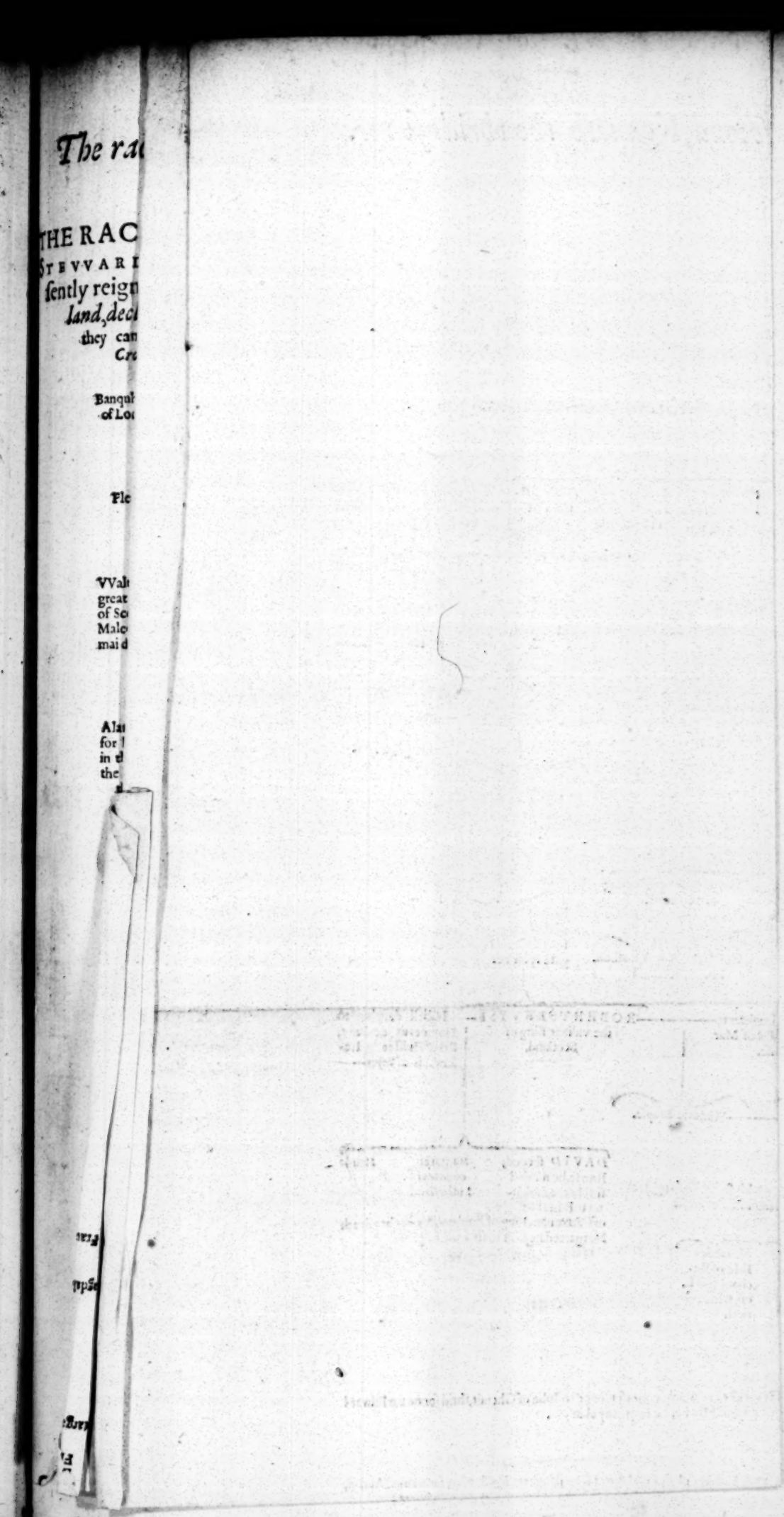
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The race of the Kings of Scotland, since Malcolme the second, Kenneth the thrids sonne.

THE RACE OF THE STVVARDES, now presently reigning in Scotland, declaring how they came to the Crowne.

MALCOLME 2. had two daughters

Beatrix — Dovada

DVNCAN 2. slaine by Makbeth — MAKBETH slaine by Malcolme 3.

DONALD 7. sur-named Bane — MALCOLME 3. sur named Cammoir — Margaret, daughter to Edwarde the Out-law, sonne to Edmond, sur-named Yron-side, King of England.

DVNCAN. a bastarde of Malcolme 3.

Edwarde the prince slain with his father at the sege of Alnwik — Edmond & Etheldred — EDGAR first, the peace — ALEXANDER — Maude wife to Henrie 1. K. of England — Marie wife to Eustathius Erl of Buloigne — DAVID the first — Maude, daughter to Woldeosus Earl of Northumberland and of Huntingdoun.

Henrie prince of Scotland — Adama daughter to William Erle Warren

Emergarda the Erle of Beaumonts daughter — WILLIAM the Lyon — MALCOLME 4. the mayden — Adama wife to Florentius Erle of Holland — Margaret wife to Conanus Duke of Britayne, and Erle of Richmond — David Erle of Huntingdoun & Garioch — Maude, daughter to Hugh, sonne to Ranulph Erle of Chester.

Marie daughter to Ingelrame, Earle of Coucey, his second wife — ALEXANDER 2. — Ieane daughter to John, King of England, his first wife.

Henrie and Robert died yong. — John sur-Scot, Erl of Chester died without succession, — Margaret, wife to Alane, L. of Galloway, the eldest daughter — Isabell wife to Robert Bruyse, the second daughter — Adama the 3. daughter, wife to Henrie Hastings, of whom are come the Earles of Huntingdoun

Margaret, daughter to Henrie 3. K. of England Edward 1. Langshanks sister. — ALEXANDER 3. — Ioleta, daughter to the Erle of Dreux, his second wife

Dornagilla, wife to John Balioll

Robert Bruyse, competitor with Iohn Balliol the sonne, for the crowne.

Alexander the Prince, who maried the Erle of Flanders daughter — David — Margaret — Ericus, or Hangonanus King of Norway.

Margarete, called the mayden of Norwaye. In her the whole posteritie of King William failis, & the crown of Scotland returnis to the posteritie of David Erle of Huntingdoun and Garioch.

Iohn Cummin — Marjorie — IOHN Balliol King of Scotland.

Iohn, sur-named the red Cummin slain by Robert Bruyse King, in the Kirk of Drumfrise

EDWARD Balliol. King of Scotland

Robert Bruyse, who maried Martha, the Countes of Carrict, and begate vpon her

Isabell, daughter to Gratnay, Erl of Mar his first wife. — ROBERT BRVYSE the valiant King of Scotland. — Isabell daughter to Haymerus de Bure, Erl of Hulster in Ireland his 2. wife.

Marjorie Bruyse.

DAVID second, Bruyse, he maried first Ieane, daughter to Edward 2. of Camarvan, King of England, & after her death Margaret daughter to sir Iohn Logie Knight. — Margaret, countes of Sutherland — Maude

Walter 1. the great Steward of Scotland, Who maried King Robert Bruyse his daughter

Elizabeth Mure, daughter to Sir Adam Mure Knight, his second wife. — ROBERT 2. the first of the Stewards — Euseme his first wife, daughter to Hugh Erle of Rosse

Anabell Drummond, daughter to the Lard of Stobhall. — John Earle of Carrict, thereafter King, by the name of ROBERT the 3. — Robert Erl of Fife and Menteith — D. Murdo — Walter — Euseme wife to James Erl of Douglas

David Erl of Stratherne — Walter Erle of Athole — Alexander Erle of Buchan, and L. of Badzenoth

Alexander, hee builded the Abbay of Paisley

Walter 2.

Alexander 2. — Robert his brother, of whom are descended the Erles of Lennox.

Iohne

Walter 3. the great Steward of Scotland, Who maried King Robert Bruyse his daughter

Marie wife to George Erle of Angus — David Duke of Rothesay, &c. and prince of Scotland. He died of famine in prison at Faskland. — IAMES 1. — Ieane, daughter to Iohn, Duke of Somerset, and Marques Dorset, sonne to Iohn of Ghendt, thrid sonne to Edward the thrid, the victorious King of England. By her he had many children.

Banquho, Thane of Loch-Aber.

Fleanchus

Walter, maide great Steiwarde of Scotlande by Malcolme 4. the maiden

Alane, famous for his valiancie in the warres of the holy lande (as they callit)

...garet, wife to ...vs 11. king of ...nce — Elizabeth, duches of Britaine — Ieane Countes of Huntley — Helenor, Duches of Austria — Marie wife to the Lord of Camp veer — Anabell — IAMES 2. — Marie daughter to Arnold Duke of Gelder, sisters daughter to Charles, sur-named Audax, the last duke of Burgundie, slaine by Renatus, Duke of Lorayne, and the Zwitzers.

...ret, daughter to Christianus 1. King of Denmarke, Sweden and Norway — IAMES 3. — Iohn Erl of Mar — Alexander Duke of Albanie — Marie wife to Thomas Boyd, Erle of Arran, and thereafter of Iames Hammilton of Cadzou.

Iohn Duke of Albanie Gouernour in Iames 5. minoritie

Margaret, eldest daughter to Henrie 7. King of England — IAMES 4.

...ne, daughter to Frances 1. King of France, his first wife. — IAMES 5. — Marie, Duches of Longe-ville, daughter to Claude of Lorayne, Duke of Guise, his second wife.

...es 2. Daulphine, thereafter King of France, her first husband — MARIE — Henrie Steward, Lord Darley, Duke of Albanie, &c. sonne to Matthew Steward, Erle of Lennox.

Anna, daughter to Frederick. 2. King of Denmark — IAMES 6.

Henrie Prince of Scotland, borne 19. Febr. 1593. — Elizabeth, borne 19. August. 1596.

LXXXVI. *Malcolme* 3. ſurnamed *Cammoir*, *Duncane* 1. his ſonne, began to reigne in the zeir of the warld, 5027. In the zeir of Chriſt. 1057. a very religious and valiant Prince: He maried *Margaret*, daughter to Edward, ſurnamed the Out-law, Sonne to Edward, ſurnamed Yronſide, King of England, a verie gud and religious woman, according to theſe times, who bare vnto him ſex ſonnes, & two daughters, the ſonnes were, *Edwarde* the Prince, *Edmound*, *Etheldred*, *Edgar*, *Alexander*, *David*, the Daughters were *Mathildis*, or *Maude*, ſurnamed *Bona*: Wife to *Henry* 1. ſur-named *Beauclerc* King of England, of whoſe vertues is extant that auld Epigramme.

Proſpera non lætam fecere, nec aſpera triſtem,
Proſpera terror ei, aſpera riſus erant.
Non decor effecit fragilem, non ſceptra ſuperbam,
Sola potens humilis, ſola pudica decens.

That is.

Proſperitie rejoyſed her not, To her griefe was no paine,
Proſperitie affrayed her als, Affliction was her gaine.
Her beautie was no cauſe of fall; In royall ſtate not prud.
Humble alone in dignitie, In beautie onely gud.

She founded the Kirk of Carleill. The other daughter was *Marie*, wife to *Euſtathius*, Earle of Boloigne. King *Malcolme* builded the Kirkes of Durehame and Dumfermeline: He was ſlaine with his Sonne Prince *Edwarde*, in the 36. zeir of his reigne, at the ſege of Anwicke, be *Robert Mowbray*, ſur-named *Pearce eie*, and was buried at Tinmouth, but thereafter he was removed to Dumfermeline.

LXXXVII. *Donald* 7. ſurnamed *Bane*, vſurped the Crowne, after the death of his brother, in the zeir of the warld. 5063. In the zeir of Chriſt, 1093. And was expelled in the firſt zeir of his reigne by *Duncane* 2. King *Malcolmes* 3. baſtard ſonne.

LXXXVIII. *Duncane* 2. vſurped the Crown, in the zeir of the warld 5064. In the zeir of Chriſt 1094. A raſh and fooliſh Prince: He was ſlaine be *Makpendir* the Thane of the Meirnes, when he had reigned little over a zeir be the procurement of *Donald* 7.

Donald 7. maid King againe in the zeir of the warld. 5065. In the zeir of Chriſt. 1095. and reigned 3. zeires. He gaue the Weſt and North Iles to the King of Norway, for to aſſiſt him to attein to the Crown of Scotland. He was taken captiue by *Edgar*, his eies put out, and died miſerably in Priſon.

LXXXIX *Edgar*, *Malcolme* 3. his ſonne, began to reigne in the zeire of the warlde 5068. In the zeire of Chriſt 1098. He builded the Priorie of Coldingham. He was a gud prince. He died at Dundie without ſucceſſion, and was buried at Dumfermeline, in the 9. zeire of his reigne.

XC *Alexander* 1. ſur-named *Fearce*, ſucceeded to his brother, in the

zeire

zeire of the warld 5077. In the zeire of Christ 1107. A very gud and valiant prince. He builded the Abbacies of Scone and of S. Colmes-Inche. He maried *Sibylla*, daughter to *William* Duke of Normandie, &c. He died in peace without succession, at Striuiling, in the 17. zeire of his reigne, and was buried at Dumfermeline.

XCI. *David* 1. commonly called S. *David*, King *Malcolme* 3. his zongest sonne, succeded to his brother in the zeir of the warld 5094. In the zeire of Christ 1124. A gud, valiant and religious prince, according to these times. He builded manie Abbacies, sik as Haly-rude-house, Kelso Ied-burgh, Dun-dranan, Cambus-kenneth, Kin-losse, Mel-rosse, Newbottle, Dumfermeline, Holme in Cumberland, and twa religious places at New-castle in Northumberland. He erected foure Bishoppricks, Rosse, Brechin, Dumblane and Dunkeld. He maried *Maude*, daughter to *Woldeofus* Earle of Northumberland and Huntingdoun, and *Iuditha*, daughters daughter to *William* the Conquerour King of England, be whom he had one sonne named *Henry*, a worthye and gud zouth, who maried *Adama*, daughter to *William*, Earle Warren, who bare vnto him three sonnes: *Malcolme* the *Mayden*, *William* the *Lion*, and *David* Earle of Huntingdoun (concerning whose posteritie looke the Table) and twa daughters, *Adama* wife to *Florentius* Earle of Holland, and *Margaret* wife to *Conanus* Duke of Britaine. He died before his father. S. *David* died in peace at Carleill in the 29. zeire of his reigne, and was buried at Dumfermeline.

XCII *Malcolme* 4. sur-named the *Mayden* (becaus he would neuer marie) succeeded to his gud-schir *David* 1. In the zeire of the warlde 5123. In the zeire of Christ 1153. A gud and meik prince. He builded the Abbay of Cowper in Angus, and died at Ied-burgh, and was buried at Dumfermeline in the 12. zeire of his reigne.

XCIII *William*, sur-named the *Lyon*, succeeded to his brother *Malcolme* 4. In the zeire of the warld 5135. and in the zeire of Christe 1165. A gud and a valiant King. He maried *Emergarda*, daughter to the Earle of Beau-mount. He builded the Abbacie of Aber-brothok, and she builded the Abbacie of Balmerinoch. He died at Striviling in the 49. zeire of his reigne, and was buried at Aber-brothok.

XCIIII *Alexander* 2. succeeded to his father *William*, in the zeire of the warlde 5184. In the zeire of Christe 1214. A gud prince: He maried *Ieane*, daughter to *Iohn* King of England, be whom he had no succession. After her death he maried *Marie* daughter to *Ingelrame* Earle of Coucey in France, be whom he had *Alexander* the thirde. He died at Kernerie in the West Iles, and was buried at Mel-rosse in the 35. zeire of his reigne.

XCV *Alexander* 3. succeeded to his father, in the zeir of the warld 5219. In the zeire of Christ 1249. A gud prince. He maried first *Margaret* daughter to *Henry* 3. King of England, be whom he had *Alexander*

der the prince: quha maried the Earle of Flanders daughter, *David* and *Margaret* quha maried *Hangonanus*, or as ſome call him, *Ericus*, ſonto *Magnus* 4. King of Norway, who bare to him a daughter, commounly called the *Mayden* of *Norway*, in whom King *William* his whol poſteritie failed, and the crowne of Scotlande returned to the poſteritie of *David* Earle of Huntingdoun, King *Malcolme* 4. and King *William* his brother. After his ſonnes death (for they died before himſelfe without ſucceſſion) In hope of poſteritie, he maried *Ioleta*, daughter to the Earle of Dreux in France, be whom he had no ſucceſſion. He builded the croce Kirk of Peibles. He died of a fal off his Horſe vpon the ſands betuixt Eaſter and Weſter King-horne, in the 37. zeire of his reigne: And was butied at Dumfermeline.

After the death of *Alexander* 3. quhilk was in the zeire of the warld 5255. In the zeire of Chriſt 1285. There were Sex Regents appointed to rule Scotland, for the South-ſide of Forthe, were appointed *Robert*, the Arche-biſhop of Glaſgowe, *Iohn Cummin*, and *Iohn* the great Steward of Scotland. For the North-ſide of Forth, *Mak-duffe* Earl of Fife, *Iohn Cummin* Earl of Buchan, & *William Fraſer*, Arch-biſhop of Sanct-Andrewes who ruled the land about the ſpace of ſeuen zeires, quhill the controverſie was decided betuixt *Iohn Ballioll* and *Robert Bruyſe*, Gud-ſchir to *Robert Bruyſe* the King of Scotland, cummed of the twa eldeſt daughters of *David* Earle of Huntingdoun: for *Henrie Haſtings*, who maried the zongeſt daughter, put not in his ſute with the reſt, and therefore there is little ſpoken of him.

XCVI *Iohn Ballioll* (of whom look the Table) was preferred to *Robert Bruyſe*, to be King of Scotland, be *Edward* 1. ſur-named *Lang-ſhankes* King of England, who was choſen to be judge of the controverſie, vpon a condition, that he ſuld acknowledge him as ſuperiour: quhilk condition like ane vnworthy man he receiued. He began his reigne in the zeire of the warld 5263. In the zeire of Chriſt 1293. He was a vaine-glorious man, little reſpecting the weill of his cuntrie. He had not reigned fully foure zeires, when he was expelled be the ſaide *Edwarde*, and leaving Scotland, departed into the partes of France, where he died long thereafter in exile. And ſo Scotland was without a King and gouernement, the ſpace of nine zeires: during quhilk ſpace, the ſaide *Edwarde* 1. *Lang-ſhankes*, cruelly oppreſſed the land, deſtroyed the whole auncient monuments of the kingdome, and ſhed meikle innocent blood.

XCVII *Robert Bruyſe* (concerning whom look the Table) began to reigne in the zeire of the warld 5276. In the zeir of Chriſt 1306. A valiant, gud and wiſe King. In the beginning of his reigne, he was ſubject to great miſerie and affliction, being oppreſſed be England, bot at length, hauing ouer-com and vanquiſhed *Edward* 2. of Carnarvan, at the feeld of Bannock-burne, he deliuered Scotland from the ſlauerie of England, and ſet it at full libertie, all Engliſhmen by force, being expelled out of the land.

He

He maried firſt *Iſabell* daughter to the Earle of *Marre*, who bare vnto him *Marjorie*, *Walter*, the great Steward of Scotlande his wife (concerning whom, and the race of the *Stewardes*, this day ruling in Scotland, looke the Table) after her death, he maried *Iſabell* daughter to *Haymerus de Burc*, Earle of *Hultonia* or *Hulſter* in Ireland, who bare vnto him *Dauid* 2. *Margaret* the Countes of Sutherland, and *Maude* that died zong. He died at Cardros, and was buried at Dumfermeling in the twentie-foure zeire of his reigne.

XCVIII *David* 2. *Bruyſe*, ſucceeded to his father in the zeire of the warld 5300. In the zeire of Chriſt 1330. A gud prince, ſubject to meikle affliction in his youth, being firſt after the death of *Thomas Ranulph* his regent, forced to flee into France, for his owne ſauegard, and then returning hame, was tane at the battell of Durhame, and was halden 12. zeirs almoſt captiue in England: but therafter he was reſtored to his liberty. He maried firſt *Ieane*, daughter to *Edward* 2. King of England, and after her death he maried *Margaret Logie*, daughter to Sir *Iohn Logie* knight, & died without ſucceſſion at Edinburgh, in the 40. zeire of his raigne, and was buried at Haly-rude-houſe.

XCIX *Edward Ballioll*, ſonne to *Iohn Ballioll*, vſurped the Crowne of Scotland, being aſſiſted be *Edward* 3. King of England, in the zeir of the warld 5302. In the zeire of Chriſt, 1332. But he was expelled at length be *Dauid* 2. his Regents, and *David* 2. eſtabliſhed King.

C *Robert* 2. ſur-named *Blear-eie*, the firſt of the *Stewardes*, ſon to *Walter Steward*, & *Marjorie Bruyſe* K. *Robert Bruyſe* his daughter, ſucceeded to his mothers brother, in the zeir of the warld 5341. in the zeir of Chriſt 1371 A gud and a peaceable prince He maried firſt *Euſeme* daughter to *Hugh* Earl of *Roſſe*, who bare vnto him *David* Earl of Strathern, *Walter* Earl of Athol, and *Alexander* Earl of Buchan, Lord Badzenoth: After her death for th'affection he bare to his children, begotten before his firſt mariage, he maried *Elizabeth Mure*, daughter to Sir *Adam Mure* knight, Who had borne vnto him *Iohn*, thereafter called *Robert* 3. Earle of Carrict: *Robert* Earle of Fife and Menteith, and *Euſeme* wife to *Iames* Earle of Dowglas. He died at Dun-donald the 19. zeir of his reign, & was buried at Scone.

CI *Robert* 3. ſur-named *Iohn Farne-zeir*, ſucceeded to his father, in the zeire of the warlde 5360. in the zeire of Chriſt 1390. A quiet and peaceable prince: He maried *Anabell Drummond*, daughter to the Laird of Stobhall, who bare vnto him *David*, the prince, Duke of Rotheſay, that died in priſone of verie extreame famine at Falkland, and *Iames* the firſt taken captiue in his voyage to France, and deteined a captiue, againſt all equitie, almoſt the ſpace of 18. zeires in England. He died of diſpleaſure at Rotheſay, when he heard of the death of th'one ſonne, and captiuitie of the other, and was buried at Paiſley, in the 16. zeir of his reigne. *Robert* Earle of Fife and Menteith gouerned Scotland, in the zeir of the warld 5376. in the zeir of Chriſt 1406. He died in the 14. zeire of his govenement. *Iames* 1. being a captiue in England.

Mur-

Murdo Steward ſucceeded to his father, Robert Earle of *Fife*, in the governement of *Scotland*, in the zeire of the warld 5390. In the zeire of Chriſt 1420. And ruled foure zeires, *Iames* 1. zit being a captive in England. Both the father and his ſonne *Walter* were executed thereafter for oppreſſion of the ſubjectes be *Iames* 1.

CII *Iames* the firſt began to reigne in the zeire of the warld 5394. In the zeire of Chriſt 1424. He was a gud, learned, vertuous and juſt prince. He maried *Ieane* daughter to *Iohn* Duke of Summerſet and *Marques Dorcet*, ſonne to *Iohn* of *Ghendt*, 3. ſonne to Edward 3. the victorious King of England, who bare vnto him *Iames* the 2. and ſex daughters *Margaret* wife to *Lewes* 11. the *Daulphine*, thereafter King of France, *Elizabeth* the Duches of *Britaine*, *Ieane* countes of *Huntley*, *Eleonor* Duches of *Auſtria*, *Marie* wife to the Lord of *Camp-veere* & *Anabella*. He was ſlaine at *Perth* traiterouſlie be *Walter* Erle of *Athole* and *Robert Grahame* and their confederates, in the 31. zeire of his reigne, gif we count from the death of his father: and in the 13. zeire, gif we count from his deliverance out of England, and was buried at the Charter-houſe of *Perth* quhilk he builded.

CIII *Iames* the 2. ſucceeded to his father, in the zeire of the warlde 5407. In the zeire of Chriſt 1437. a prince ſubject to great troubles in his youth. He maried *Marie* daughter to *Arnold* Duke of *Geldre*, Siſters daughter to *Charles*, ſurnamed *Audax*, the laſt Duke of *Burgundy* &c. Who bare vnto him three ſonnes, *Iames* the 3. *Iohn* Erle of *Mar*, *Alexãder* Duke of *Albanie*, and *Marie* wife firſt to *Thomas Boyde*, Erle of *Arrane*, and after his decourting to *Iames* Hammiltoun of *Cadzou*. He was ſlaine at the ſege of *Roxburgh* in the 24. zeir of his reigne

CIIII *Iames* 3. ſucceeded to his father in the zeire of the warld 5430. in the zeire of Chriſt 1460. A prince corrupted by wicked Courtiers. He maried *Margaret* daughter to *Chriſtianus* 1. ſurnamed *Dives*, King of *Denmarke*, *Norway* and *Sweden*. He was ſlaine at the fielde of *Bannock-burne*, in the 29. zeire of his reigne, and was buried at *Cambuſ-kenneth*.

CV *Iames* 4. ſucceeded to his father, in the zeire of the warld 5459. In the zeire of Chriſt 1489. A noble and courageous prince. He maried *Margaret*, Eldeſt daughter to *Henry* 7. Erle of *Richemond*, King of England and *Elizabeth* daughter to *Edward* 4. In whoſe twa perſones the twa houſes of *Lancaſter* and *Yorke* were vnited, and the bluidie civill weires of England pacified. He was ſlaine at Flowdon be England, in the twentie fiue zeire of his reigne.

CVI *Iames* 5. ſucceeded to his father in the zeire of the warld 5484. In the zeire of Chriſt 1514. A juſt prince and ſevere. He maried firſt *Magdalene* daughter to *Frances* 1. King of France, who died ſhortlie thereafter without ſucceſſion. After her he maried *Marie* of *Lorayne*, Duches of *Longe-ville*, daughter to *Claude* Duke of *Guiſe*. He died at Falkland in the

29. zeire of his reigne. He was buried at *Halirude-houſe*.

CVII *Marie* ſucceeded to her Father *Iames* 5. In the zeire of the warld 5513. In the zeire of Chriſt 1543. a princeſſe verteouſlie inclined. She maried firſt *Frances* 2. Daulphine, thereafter King of *France*, then after his death, returning hame to Scotland, ſhe maried *Henrie Stewarde* Duke of *Albanie*, &c. Lord *Darley*, ſonne to *Mathew* Erle of *Lennox*, (a comelie prince, *Proncpnoy* to *Henrie* 7. King of England) to whome ſhe bare *Iames* the 6. She was put to death in *England* 8. *Febr.* 1586. after 18. zeires captiuitie.

CVIII *Iames* 6. A gud, Godlie and learned Prince, ſucceeded to his Mother, in the zeire of the warlde 5537. In the zeire of Chriſt 1567. He maried *Anna* Daughter to *Frederick* the Second King of Denmark, &c. And *Sophia Vlricus* the Duke of *Meckelburgh* his Daughter, quha hes borne vnto him alreadie *Henrie Frederick*, the prince the 19. *Febr*, 1593. and *Elizabeth* 19. *Auguſt* 1596. He is now preſentlie King of *Scotland*, and this zeire 1597. is the 31. zeire of his reigne. The Lord of his mercie for Chriſtis ſake increaſe all royall vertues in him, that he may be a comfort to Gods Kirk within this Realme. Amen.

FINIS.

Ane table of the moueable feastes for 50. zeires to cum.

The zeir of God	The sonday letter	The golden number	The E-pact	Lentrone beginneth	Pasche day	Whitsunday
1598	A	3	3	March 1	April 10	Iunij 4
1599	G	4	14	Febr. 21	Aprill 8	Maij 27
1600	F E	5	25	Febru. 6	March 23	Maij 11
1601	D	6	6	Febr. 25	Aprill 12	Maij 31
1602	C	7	17	Febr. 17	April 4	Maij 23
1603	B	8	28	March. 9	Aprill 24	Iunij 12
1604	A G	9	9	Febr. 21	Aprill 8	Maij 27
1605	F	10	20	Febr. 13	March 31	Maii 19
1606	E	11	1	Marc. 5	Aprill 20	Iunij 8
1607	D	12	12	Febru. 18	Aprill 5	Maij 24
1608	C B	13	23	Febr. 10	March. 27	Maij 15
1609	A	14	4	March. 1	Aprill 16	Iunij 4
1610	G	15	15	Febr. 21	Aprill 8	Maij 27
1611	F	16	26	Febr. 6	March 24	Maij 12
1612	E D	17	7	Febr. 25	Aprill 12	Maij 31
1613	C	18	18	Febr. 17	Aprill 4	Maij 23
1614	B	19	*	March. 9	Aprill 24	Iunij 12
1615	A	1	11	Febr. 22	Aprill 9	Maij 28
1616	G F	2	22	Feb. 14	March 31	Maij 19
1617	E	3	3	March. 5	Aprill 20	Iunij 8
1618	D	4	14	Feb. 18	Aprill 5	Maij 24
1619	C	5	25	Feb. 10	March 28	Maij 16
1620	B A	6	6	March. 1	Aprill 16	Iunij 4
1621	G	7	17	Febr. 14	Aprill 1	Maij 20
1622	F	8	28	March 6	Aprill 21	Iunij 9
1623	E	9	9	Febr. 26	Aprill 13	Iunij 1
1624	D C	10	20	Febr. 11	March 28	Maij 16
1625	B	11	1	Marc. 2	Aprill 17	Iunij 5
1626	A	12	12	Febr. 22	Aprill 9	Maij 28
1627	G	13	23	Febr. 7	March 25	Maij 13
1628	F E	14	4	Feb. 26	Aprill 13	Iunij 1
1629	D	15	15	Febr. 18	Aprill 5	Maij 24
1630	C	16	26	Febr. 10	March 28	Maij 16
1631	B	17	7	Febr. 23	Aprill 10	Maij 29
1632	A G	18	18	Febr. 15	Aprill 1	Maij 20
1633	F	19	*	March. 6	Aprill 21	Iunij 9
1634	E	1	11	Febru. 19	Aprill 6	Maij 25
1635	D	2	22	Febr. 11	March 29	Maij 17
1636	C B	3	3	March 2	Aprill 17	Iunij 5
1637	A	4	14	Feb. 22	Aprill 9	Maij 28
1638	G	5	25	Febru. 7	March. 25	Maij 13
1639	F	6	6	Febr. 27	Aprill 14	Iunij 2
1640	E D	7	17	Febr. 19	Aprill 5	Maij 24
1641	C	8	28	Mar. 10	Aprill 25	Iunij 13
1642	B	9	9	Febr. 23	Aprill 10	Maij 29
1643	A	10	20	Feb. 15	Aprill 2	Maij 21
1644	G F	11	1	March 6	Aprill 21	Iunij 9
1645	E	12	12	Febr. 19	Aprill 6	Maij 25
1646	D	13	23	Febr. 11.	March 29	Majj 17
1647	C	14	4	Mar. 3	Aprill 18	Iunij 6

De verborum ſignificatione

THE EXPOSITION OF THE TERMES AND *DIFFICILL WORDES*, CONTEINED IN THE FOVRE BVIKES

of Regiam Majeſtatem, *and vthers, in the Actes of* Parliament, Infeftments, and vſed in practicque *of this Realme, and with diuerſe rules, and com-*mon places, or principalles of the Lawes.

Collected and exponed be M. IOHN SKENE, Clerke of our Soveraine Lordis Regiſter, *Councell and Rolles.*

The ſecond edition.



EDINBVRGH,
Printed be Robert Walde-graue Printer
to the Kingis Majeſtie. 1599.
Cum Privilegio Regali.

To the Reader.

I HAVE rather opened and ſchawen ane occaſion to the gud Reader, to performe this warke, then exponed, or declared the ſamin; being ane matter nocht pleaſand in it ſelf, nor treated be vthers of before: Gif I haue preaſed to do weil or attempted that, quhilk vthers maie accompliſh and make perfite, the profite and commoditie redoundis to thee, quha at thy pleaſure, may big vpon this little ground and fundament. Gif vtherwaies be errour or ignorance, I haue nocht ſatisfied thy deſire and expectation, Sit erranti medicina confeſſio. For ane abſolute memorie, and perfite knawledge, in na thing erroneous, is proper to God, and not competent to man. Quhat euer I hane done, I did it not to offend thee or to diſpleaſe any man, bot to provoke vthers to do better, alwaies for thine awin weil, be warre to reprehend my doings, flowand from ane benevolent, and gude mind: except thou be aſſured to be reprehended of na man, quha cumis after thee and ſall cenſure thy doings. I am affrayed of all Readers, for ilk man hes his awin Iudgement & opinion, quhairof their is als mony contrarieties, as diuerſities of perſones. Adviſe therefore, & or thou do ony thing raſhly, gif thou may, tranſact and agree with all the poſteritie, that albeit thou doo alſwel as Homer in his poeſie: nane of them be vnto thee, ſucceſſor or imitatour of Zoilus: ſo great is the varietie of ingines, and inclinations, that nane can be ſure fra reprehenſion. Reade therefore, and make thy profite of gud thinges. Correct modeſtlie al errours, quhilks are ignorant, and nocht wilfull. Eik al neceſſaries omitted. Cut awaie al ſuperfluities adiected. And quhateuer thou do eſteeme of me, as I do of thee and of al, to quhais knawledge, this my little labour ſal happen to cum. And ſwa,

Vive, Vale: ſi quid noviſti rectius iſtis,
Candidus imperti: ſi non, his vtere mecum:

THE EXPOSITION OF

THE DIFFICIL WORDES AND

termes, conteined in the foure buikes of Re-

GIAM MAIESTATEM, & vthers: In the acts of Parliament, *infeftments, & vſed in the practicque of this realme with* diverſe Rules, and commoun places, or principall *groundes of the Lawes.*

ACTILIA, Armour, Weapons, Harniſhing. Sta. 2. *Roberti Bruyſe, c. ordinatum* 27. Quhairit is ſtatute that ilk man havand Ten pounds worth of gudes ſall haue for the defence of his bodie & Realme, ane ſufficient Acton, and baſnet, with gluifes of plait, ane ſpeir, ane ſworde: and quha-ſa-euer hes nocht ane acton, and baſnet, ſall haue ane ſufficient habirgeon, or ane Irone jack, ane Knapskal of Irone, and gluifes. Swa that ilk man ſalbe readie *cum actilijs & harneſiis ſuis*, vnder the paine of eſcheit of al his gudes, the ane halfe thereof to the King and the vther halfe to his maiſter and Lord. *Acton* ane aulde French word, *Hocqueton*, quhilk corruptlie is pronounced *Octon*, *ſagum militare*. Sum affirmis *Acton* to be an auld kinde of armour, for preſervation of ane mans bodie, maid of ſteill or Iron, quhilk covered his head, alſweill as the reſt of his bodie: Quhairof zit ar ſum extant as auld monumentes in the Hie-landes; Bot nocht dailie vſed, or worne. Vthers mair probablie alledgis *Acton*, to be ane forme of armour, quhilk coveris ane mans bodie (except his head) downe to his knee, maid of Taffitie, Ledder, or Linnen claith, ſtuffed with caddes, & ſticked very thick with threid, or ſilke of diverſe coullors, and partial gilt, with ſpranges or ſtreames of Gold fuilzie; And is commonlie vſed in time of battell vnder the habirgeon, to ſaue ane mans bodie, fra the ſchot of ane arrowe: or fra the bruiſing of the ſtraik of an ſword. It is an kinde of that abuilzement, quhilk in Latine is called *veſtis virgata, varijs virgis, ſeu aureis lineis diſtincta, & variegata, vt eſt illud Virgilij AEneid. 8. Virgatis lucent ſagulis.*

The pain of them quha cums euill armed to the kings hoiſt.

ACTORNATVS Lib. 4. c. *ſi quis defendens* 46. *actor, alienorum negotiorum geſtor*, vtherwaies in the Lawes of this Realme called *reſponſalis*, quha makis anſwer for ane vther in judgement, ſpeciallie for the defender Lib. 1. c. *Eſto* 27. Lib. 3. c. *Placita* 12. *cum ſeqq.* Like as *Prolocutor* is he quha ſpeaks for the perſewer, as his foreſpeaker. Lib. 1. c. *conſequenter* 13. Alſwa *Actornatus* is he quha dois ony thing in an vther mans name or behalfe, As he quha compeiris for ane vther in courtes, or Iuſtice

Reſponſalis. Proloquutor.

ſtice aire, to paſſe vpon inqueiſtes, and ſerving of retoures to the Kingis Chapel, or to giue preſence for him, quha ſends him. For he quha aucht baith ſute, and preſence in ony court, ſuld not onely ſend ane ſutour to decide actions and cauſes, conforme to the Lawe, bot alſo ſuld compeir perſonally, or ſend ane Actornay, quhilk alſo he ſuld do, quha aucht preſence allanerly, for ather he ſuld compeir, or ane Actornay for him, with the ſeale of his Armes, the quhilk all frie halders, dwelland within the ſchireffdome, ar obliſhed to do, in al Schireff courts. Ia. 1. p. 9. c. 130. In juſtice aires, Actornayes ſuld be honeſt and ſufficient perſons of diſcretion. Ia. 1. p. 3. c. 53. And *Actornatus Iuſtitiarij*, is taken for the Iuſtice depute. *Quon. attach. c. præpoſitus* 61. *aſſ. Reg. Da. c. nullus* 16. Actornay is not only the procurator quha is ſent: Bot alſo the procuratorie or *mandat* quhilk is given to him, and zit they are different, for ane procuratory is commonly maid be ane privie man: and ane Actornay, called *litera actor natus*, is granted be the King, or ony vther, havand Chappel. Stat. Rob. 3. c. vlt. generally, *in omnibus negotijs, loquelis, & placitis motis ſeu movendis.* And therefore the Lords of the Seſſion decerned ane requiſition of ane aire, anent his mariage, maid be ane Actornay, to be nul. Becauſe al ſik requiſitiones ſuld be maid be the ſuperiour perſonally, or be ane procuratour, havand ſpecial power to that effect.

ADIVRNATVS, ane French word, ſummoned or called to ane certaine daie, like as *Adiurnamentum* is called an ſummondes, or *citatio, ſummonitio*, quhilk is defined, *certi diei & loci exhibitio partibus, ad diem legalem, Quoniam attach. c. 1. Præceptor meus Matthæus Weſenbecius in parat. Tit. de in ius vocando. Nu. 13. definit citationem, vt ſit actus Iudicialis, ſeu Iudicij præparatorius, quo is quem coram ſiſti opus eſt, Iudicis mandato, legitimè vocetur, Iuris experiundi cauſa. Et aſsiſa dicitur adiornata ad alium certum diem*, That is continued to ane certaine daie. Lib. 4. c. *Si petens* 57. *& curia dicitur reſpectuata*, That is continued or reſpleited. Stat. 2. Rob. Br. *Item quæcunque* 34. *Cheſſanæus in conſuetudines Burgundiæ Rub. 1. § 6. verb. meſsiers & ſerients. Nu. 88. multa (inquit) ſunt nomina, quæ idem important, vt eſt citatio, in ius vocatio, monitio, edictum, denunciatio, conventio, & aliud quod in vulgari noſtro dicimus, adiurnamentum. Adiournall* is the Iuſtice aire, as ane acte of adjournal, ſo called, becauſe it is maid in the Iuſtice air. *vid. Iter.*

ADVOCATIO *Eccleſiæ*, Is the richt of patronage, or the title and richt to preſent onie perſon to ane Kirk vacand and nocht havand ane lauchfull Eccleſiaſticall perſon to rule and governe the ſamin. Lib. 2. c. *Dos.* 19. *Li. c.* 3 *ſequitur* 30. *Dicitur autem advocatio Eccleſiæ, teſte Fr. Hotomanno, vel quia patronus alicuius Eccleſiæ, ratione ſui iuris, advocat ſe ad eandem Eccleſiam: & aſſerit ſe in eam habere ius patronatus, eamque eſſe quaſi ſuæ clientis loco. Vel potiùs cum aliquis (nempe patronus) advocat alium, iure ſuo, ad Eccleſiam vacantem, eumque loco alterius (veluti defuncti) præſentat, & quaſi exhibet.* In the Engliſh Lawes it is called, Avowſon of Kirkes.

A vowſon of Kirkes

AFFIDA-

AFFIDATIO, *Lib. 2. c. vnde 49.* In the quhilk place, *Mutua affidatio*, is taken for ane mutuall faith, trueth, and obligation of fidelitie, quhilk is betuixt the wife and the husbande. And ſicklike it ſignifies the mutual league, and band of fidelitie, quhilk is betuixt the ouer-lord, and his vaſſal, quha are bound & obliſhed *hinc inde* to vtheris, quhilk is called *mutua dominij & homagij fidelitatis connexio. lib. 2. c. mutua. c. 68.* In ſik ſort, that how far the vaſſall is bound be reaſon of homage to his ſuperiour: ſa far the ſuperiour is obliſhed to his vaſſal, except reverence and honor allanerly: for the ane ſuld obey and ſerue his maiſter: the vther, ſuld interteine and defende his man. And the vaſſall ſuld honour and reverence his maiſter as his ſuperior: But the maiſter ſuld not reverence the vaſſall: for like as of the law, there is na ſoveraintie, nor impyre amangis them that are *pares*, conforme to the rule of the Lawe, *par in parem non habet imperium.* Even-ſwa, the ſuperiour is not obliſhed to mak onie reverence to his inferiour, bot ſuld receiue honour fra him. *Item Diffidatio,* (h. e. *inimicitiarum capitalium denunciatio*, quhen ane defies ane vther, & giues vp kindneſſe with him) is contrair to *Affidatio.* Baith the ane and the vther is driven *a fide, vel fidelitate*: or fra ane word vſed in the fewes, *faida*, that is, battell, feid, injurie, hatred. As we commounlie ſay, deidly feid. And *fœmina dicitur faidam non facere*, gl. in §. *vlt. de lege Contradi.* li. 2. *defeud.* be reaſon wemen be the Law, ar not ſubject to weir fair, to battell, or proclamation maid for that cauſe. *Diffidatio.* *Faida.*

AMERCIAMENTVM, or FORISFACTVM *Curiæ.* The vn-lawe or amerciament of a court, for abſence in lawfull time, for ane fault, treſpas, or ony vther cauſe, as is manifeſt in the Regiſter, in the action perſued be the Theſaurar, cõtrar the burgh of Perth, 16. Decem. 1541. The vnlaw in the Chalmerlanis aire or court, is fiftie ſchillings, and twa ſchillings to the Seriandes of the burgh of ilke vnlaw. The vnlaw before the Iuſtice on the North pairte of the water of Forth, aucht Kye, ane colpindach to the Crowner, and twa ſchillings to the Clerke: And in the South-ſide of the water of Forth, as in Louthian, & betuixt the water of Tyne and Forth, ten pundes, and ane colpindach, or threttie pennies to the Crowner, and twa ſchillings to the Clerk. In the Schireffe-court, it ſuld not exceed ſexteene ſchillings, and twa ſchillings to the Clerk, or ane colpindach, or threttie pennies. In the Barronne court the ſamin lawes & vn-lawes, ſuld be keiped, quhilks are vſed in the Schireffe court. In the court of them quha haldis of Barrones, and are called *milites*, their vnlaw is half of their ſuperiours vnlaw. The vnlaw of them quha ar called *ſubarmigeri*, is ane Kowe, ane zowe, or thre ſchillinges, *leg. Malc. Mak. c. 4.* The vnlaw within Burgh ſuld not exceed the ſumme of aucht ſchillings, *leg. burg. c. forisfactum 42.* The vnlaw of them quha compeiris not in Parliament, being lauchfullie warned thereto, is ten punds. Ia. 1. pri. Iulij 4. p. 4. c. 82. & p. 5. c. 99. Quhilk is likewaies the vnlaw of them quha compeiris not in generall Councelles, quhilk nowe is altered be the newe acte of Parliamente, maid be OVR SOVE- *The vnlaw of courtes.*

RAINE LORD King Iames the Sext 29. Iulij. p. 11. c. 34. quhair it is ſtatute, that every Earle ſall pay three hundreth poundes, ilk Lorde twa hundreth poundes, Ilk Prelate ane hundreth poundes: And euery Burgh ane hundreth markes, incaſe it ſall happen ony of them to be abſent fra the Parliament.

ANNEXATION, Ane Latine worde, quhilk ſignifies ane faſt knitting and binding, as when ane thing is bund or knit with ane vther and baith as it were vnited togidder, and incorporat in ane. As quhen ony Lord-ſhippes, lands, Caſtelles, Cuſtomes, Offices, Fiſchinges, or vther rents are annexed to the Croun, to remaine perpetually therewith, quhilk is called *incorporatio, quando bona aliqua, veluti terræ, rediguntur in corpus fiſci, cum eorum ſcribitur Inventarium, manu publica, continens eorum nomina & qualitates, & ita ponuntur in numero rerum fiſcalium l. quando 3. & ibi* gl. C. *de bonis vacan.* li. 10. In the Lawes of this Realme, there is twa kindes of annexation: The ane quhilk may be called *tacita*, quhairin the word of Annexation is nocht expreemed, bot vther wordes equivalent theirto. The vther, is *expreſſa*, quhilk conteinis manifeſt mention of annexation or vnion. The firſt forme is vſed in the daies of king *Dauid* the ſecond 6. Nov. 137. quhair it is ſtatute & ordaned, that all landes, rents, and poſſeſſiones, quhilks of auld perteined to the crown, or the Kinges domaine and propertie, ſuld all and haill, and perpetuallie remaine in the hands and poſſeſſion of the King, for his ſuſtentation & living, with out ony alienation theirof. And ſik-like 27. Septem. 1367. with conſent of the three Eſtaites, it was ſtatute for the Kings better ſuſtentation, & living, that all rentes, fermes, kanes, cuſtomes, forreſts, offices, and vther emolumentes quhatſumever: And alſo all landes, aſweill the propertie, & vthers, in poſſeſſion, quhairof King *Robert* 1. father to King *David* the ſeconde, deceaſed as of fie; and that al poſſeſſions, & landes quhilkis perteined to the richt and propertie of the Crown, the time of the ſaide King *Robert*, or of King *Alexander* the third, or of the ſaid King *David* the ſecond, ſuld returne all and haill to the crown, with all advocations of Kirkes, and all ſervice perteining theirto; To remaine perpetuallie with the Crowne, notwithſtanding ony alienation theirof, maid to ony perſon, and that na diſpoſition theirof be maid thereafter, without conſent of the three Eſtaites. And gif ony perſon had onie of the ſaides landes laboured with his awin pleuch: It was ordaned that he ſuld paie aſmeikle ferme and dewtie therefore, as the ſamin might gudlie pay, or as ony vther lands als gud, and als meikle, vſed to pay. And ſiklike, al the great and ſmall cuſtomes, and burrow mailles of the Realme, are ordaned to abide and remaine with the King, till his living, be ane act maid be Iam. 1. Parlia. 1. c. 8. Of the ſecond forme of Annexation quhairby landes, poſſeſſiones and vthers, *per expreſſum*, are annexed, vnited, and incorporate, diverſe and ſindrie examples are extant in the acts of Parliament of King *Iames* the ſecond Par. 11. c. 4. and of vthers maid theiraf-

ter

ter. Landes, and vthers dewties, or poſſeſſions quhatſumeuer annexed to the crown, being annalied or diſponed, na lauchful diſſolution maid theirof, It is leſum to the King, nocht withſtanding the ſaid alienation to put his hande to the ſaides landes, and take them backe againe to the Crown, *breui manu*, without onie ordour or proces of law. And as concerning the proffites theirof, quhilkis are extant *pendentes, & nondum conſumpti*, the time of the ſaid intermiſſion, the king, or his comptroller may intromet therewith, in the ſamin maner, as he may intromet with the landes *Iure ſoli, quia fructus pendentes, & extantes cenſentur pars ſoli*. And touching the fructes, and proffites of the landes quhilkes are ſpended, and conſumed; The King and his comptrollar, aucht & ſuld repeate the ſamin fra the poſſeſſours, and vptakers of the ſaids fructes, of all zeires of their intromiſſion there with, be way of action, becauſe they ar conſumed and ſpended. quhilk deed conſiſtand in *facto*, ſuld neceſſarly be proven be ordinar way of action. To the quhilk haill profites, the King hes gud right, in reſpect that of the Law, *malæ fidei poſſeſſor*, can never acquire and conqueis to himſelfe, ony fructes or profites, ather extante or conſumed. And true it is, that al they, wha receivis ony infeftment or vnlauchfull diſpoſition of the Kings annexed property, ar *malæ fidei poſſeſſores*: they receiving the ſamin againſt the manifeſt law of this realme. the ignorance quhairof excuſis na inhabitant of the ſamin. And mairover, true it is, that the foreſaide forme of intromiſſion with the Kinges annexed landes, and repetition of the proffites theirof, hes bene in vſe & practik ſen the making of the actes of Parliament thereanent: Likeas in the beginning of the reign of King *Iames* the Fourth, 18. Ian. 1488. the landes & Lord-ſhip of *Brechin*, and *Nevar* were taken fra *Dauid* Earle of *Crawford*, and ane tearme aſſigned to prooue againſt him, the availe of the mailles and dewties of the ſaides Landes with the pertinentes, intrometted with be him, ſen the time of the gift theirof. Item, the King may intromet with his annexed propertie, and proffites theirof, quhidder he be *maior* or *minor*. For gif there be na lauchfull diſſolution of the ſamin, he is aye as it were *minor* anent the ſaid propertie. Al annexations ar perpetuall, and induris continuallie, ay and quhill ane lauchful diſſolution be maid be ony King: Induring the time of the quhilk diſſolution, the annexation ceaſis, & ſleepis, and the diſſolution being ended be deceas of the maker theirof, the ſaid annexation beginnis to quicken *& quaſi reviviſcere*; In ſik ſort, that the King quha ſucceidis to the maker of the ſaid diſſolution may ſet na fewes of his annexed propertie, be vertue of the diſſolution maid be his Predeceſſor, bot mon make ane newe diſſolution, to the effect foreſaid. quhilk fault and vice, I finde in divers and ſindrie infeftmentes of the propertie: And ſpeciallie in the minoritie of King *Iames* the Fifth, quhilkis are wrangeouſlie given be vertwe of the diſſolution maid be King *Iames* the Fourth, his Father. *vid.* Diſſolution.

Landes annexed and not diſſolued may not be analied.

Of the profites of landis annexed wrangeouſly analied.

The Kings property wrangeouſly analied.

Annexation is perpetuall.

Apo

ANNVELL, ane word vſed in the practik of this Realm, for ane zeirlie reuenue, or dewty, payed at certaine termes, ather legal, quhilks are called *termini legales vel legittimi*, preſcrived and appoynted be the law of this realme, ſik as Martin-mes & Whit-ſonday. Or conventional, as pleaſis the parties till agree and appoynt, be paction and contract, as betuixt *Zule* and *Candle-mes*, or ony vther time. In the Actes of Parliament maid be Queene *Marie* 4. Parlia. 29. Maij, c. 10. mention is maid of ground annuell, few annuell, and top annuell, quhairof I haue red nathing in ony vther place: and am incertaine quhat they do ſignifie: bot referris the ſamin to the judgement and opinion of the reader. Alwaies, ground annuell is eſteemed to be quhen the ground and propertie of onie lande bigged or vnbigged, is diſponed and annalied for ane annuell to be payed to the annalier thereof, or to ane vther perſon, ſik as ony Chaiplaine or Prieſt. Top annuell, is ane certaine dewtie, given and diſponed furth of ony bigged tenement, or land, of the quhilk tenement the propertie remainis with the diſponer, & he is only obliſhed to paye the ſaid annuell. Few annuell, is ather when the few maill, or dewtie is diſponed as ane zeirlie annuel. Or quhen the land, or tenement is ſette in few-ferme heretablie, for ane certaine annuel to be payed *nomine feudifirmæ*. The annuell of Norway, quhairof mention is maid in the actes of Parliament of King Iames the third, & in the Regiſter of this realme, was ane annuell of the ſumme of an hundreth markes, ſterling money, quhilk the Kings of this Realme was obliſhed to pay zeirlie to the King of Norway, for the cauſe after ſpecified. Becauſe *Donald Bane.* brother to King *Malcolme Cammoir*, wrangeouſlie after the deceaſe of his brother vſurped the richt of the Crown againſt his brother ſones, *Edgar Alexander*, *David*, and vthers. And for help, and ſupplie, gaue all the Iles of *Scotland* to the King of Norway, quhairthrow, and for vther occaſiones, monie bluidie and cruell battelles followed, vntil the battel of *Larges* 3. Auguſt, 1263. In the time of king *Alexander* the 3. And of *Acho* King of Norway: Quha thereafter in the ſamin zeire 22. Ianuar, departed from this life in *Orknay*. And the Scottis beand victorious, *Magnus* the 4. of that name, King of Norway, ſon to the ſaid *Acho*, maid peace & concord, with the ſaid King *Alexander*, in anno, 1266, and renunced, quite-clamed, & diſcharged al richt, or title, quhilk he or his ſucceſſors had, or might haue, or pretend to the *Iles* of *Scotland*. The King of *Scotland*, payand therefore zeirly to the ſaid *Magnus*, and his ſucceſſors, ane annuell of ane hundreth marks, ſterling money. Quhlik contract and agreance was ratified, and confirmed be *Haquinus* King of Norway, the fifth of that name, & *Robert* the firſt, King of *Scotland*, in anno 1312. Bot at the laſt, the ſaid annuell, with all the arrierages, & by-runnes thereof, was diſcharged, and renunced *ſimpliciter*, in the contract of Mariage, betuixt King Iames the third, and *Margaret*, onely daughter to *Chriſtianus* the firſt, King of Norway, Denmark, and Sweden 8. Septemb. 1468 Quhilk diſcharge is nocht onely ratified, bot alſo renewed thereafter

Grounde annuell.

Top annuell.

Few annuell.

The annuell of Norway

be

be the ſaide *Chriſtianus* 12. Maij. 1469. And likewiſe the ſaid King *Iames* the third. 24. Fe. 1483. commanded his Ambaſſabours ſend to the Paip, to deſire confirmation of the ſaid perpetuall renunciation, & diſcharge of the contribution of the Iles.

ARAGE, vtherwaies Average, from *Averia*, quhilk ſignifies ane beaſt, as ſalbe hereafter exponed. And ſwa conſequentlie Average, ſignifies ſervice, quhilk the tennent aucht to his maſter, be horſe, or cariage of horſe, 18. Ian. 1501. *Iohn Stewart* contrair *William Blair*. In the acte of Parliament Ia. 4. p. 2, c. 10. It is written *Auarage:* & like waies, in the indenture at *Perth*, pen. Mart. 1371. betuixt *Robert Steward* Earle of *Menteith* vpon the ane parte, and Dame *Iſabell* Countes of *Fife*, on the vther pairt, it is plainely written, *cum Auaragijs et Cariagijs*. In the quhilk indenture, the ſaid *Iſabel*, dauchter & aire to *Duncane* Earle of *Fife*, & ſpouſe to *Walter Stewart* brother to the ſaid *Robert*, in time of her Widuitie, after the deceaſe of her ſaid husband, obliſhed her, to reſigne the ſaide Erledome of *Fife*, in the Kings hands, in the favour of the ſaid Earle, for new heritabil infeftment theirof, to be given to him. The quhilk indentureis ſubſcrived be *Ioannes Rollo*, quha was ſecretarie to the ſaid Earle. And conforme theirto, reſignation was maid: for the quhilk ſcho received zeirly for her ſuſtentation, ane hundreth, fourtie fiue punds, ſterling money. Like as alſo the ſaid *Iſabell*, 12. Iunij. 1389. reſigned *ad perpetuam remanentiam*, in the handes of King *Robert* the third, the Baronie of *Strathurd*, *Strabraun*, *Diſcher*, *Toyer*, with the Ile of *Tay*, lyand within the Schiref dome of *Perth*. The Baronie of *Cowll*, & *Oneill*, with the fortalice theirof, & patronage of the Kirk of *Kincardin*, within the Schirefdome of *Aberdeve*, the Baronies of *Crumdail* & *Affin*, within the Schirefdom of *Innernes*, the lands of *Strahovie* and *Abbrandolie*, within the Schireffedome of *Bamf*. The lands of *Logyacry*, within the Schireffdom of *Perth*, the Barronie of *Calder*, within the Conſtabularie of *Linlithcow*, and Schireffedome of *Edinburgh*, and the landes of *Kellenſyth*, within the Schireffedome of *Striviling*. This I thocht gud to advertiſe the Reader how the Earledome of *Fife* and vthers lands foirſaids, perteined to the Crowne. Duke *Murdo* ſonne to the ſaid Earle of *Fife*, being forefalted be King *Iames* the Firſt 1424. The ſaide Earledome was decerned to remaine perpetuallie with the Crown, like as it dois, as ane ſpecial part of the annexed propertie. As alſo the Lord-ſhip of *Methuen*, within the Schireffedome of *Perth*, and the barronie of *Kellie*, within the Schirefdome of *Forfar*, did fall in the handes of King *Robert* the firſt, be dome of forefaltour pronunced againſt Schir *Roger Mowbray* Knicht.

Iſabell Countes of Fife.

Sundry landes perteining to the Crowne

ARRENDARE, ane Spaniſh worde, commonlie vſed in chartours and infeftments of this realme, in *Latin*, *locare ſeu rem aliquam vtendam*, *fruendam*, *non gratis*, *ſed certa mercede interueniente concedere*. For conforme to the French, rent is ane certaine dewtie, as annuell rent, and *arrentare* and theirfra *arrendare*, *quaſi ad certum rentum ſeu reditum dimittere* to ſet and giue landes or tenementes to ony for ane zeirlie duetie.

ARRE-

ARRERAGIVM, or properly *Arrieragium*, an French word, *arrier*, bakward: in Latine *retrò*, as *Iamais arrier*, vſed be the Erls of *Angus* in their armes, to quhom it perteins to fecht the Kingis wantgard, as of auld it did appertain to *Makduffe* Earl of *Fiſe*, as writis *Hector Boetius*. *Arrieragium firmarum*, ſignifies the by-run annuel, mailes, fermes, profits or dewties of onie tenement, or landes, the quhilk reſtis vpon the ſamin vnpaied, *Quoniam attach. c. ſi tenementum. 27. le. Burg. c. ſi quis voluerit. 156.*

1 ASSISA, ane French worde, quhilk ſignifies properlie ſitting, or Seſſion, and hes divers vthers ſignifications in the Lawes of this Realm: 2 for *aſsiſa* is taken for ane conſtitution, ordinance or law. *Lib. 3. c. ſequens. 23.* quhair it is called *recognitio*. And *Lib. 1. c. ſi non 23.* mention is maid of ane eſſonzie, or excuſe, conforme to the Law and aſsiſe of the land. And *aſsiſa* is called ane conſtitution, law or ſtatute. *Lib. 4. c. die lunæ 13.* as *aſsiſa regis David. Stat. Alex. c. aſsiſa 18.* And *aſſiſatum* ſignifies ſtatute, or ordaned. St. 2. *Ro. Br. c.* Item *ordinatum 26.* King *David* maid an aſſiſe, or conſtitution of him quha was accuſed in judgement, and clenged, for the death of his wife, *aſsiſa Reg. Da. c. ſi quis velit 33. Aſsiſa terræ*, is taken for the Law & conſtitution of the Land. *Lib. 4. c. ſi vir. 16. c. ſciendum 64. aſsiſam infringere*, is to violate & tranſgres the Law. And *aſsiſa* of King *Iames* the Firſt of weights and meaſures maid at *Perth. 11. Mart*, and the firſt zeir of his reigne. *Iuxta aſsiſam Lib. 2. c. dicitur autem 74.* is conforme to 3 the law, or *Iuxta legem*, is conforme to the time preſcrived be the Lawe, Lib. 3. c. *ſequens 33. in fin.* Item, *aſsiſa* is called ane meaſure, or certaine quantitie, as the barrell bind of Salmond ſuld keep and conteine the aſſiſe and meaſure of fourteene gallons. Ia. 3. 1. Octob. Parl. 14. c. 110. & all Salmond ſuld be packed in barrelles, of the meaſure of *Hamburgh*, after the auld aſſiſe, and na ſmaller barrelles nor veſſelles. Iam. 3. Parlia. 10. cap 76. *Aſsiſa halecum*, the aſsiſe herring, ſignifies ane certaine meaſure and quantitie of herring, quhilk perteinis to the King as ane part of his cuſtomes, and annexed propertie: Ia. 6. p. 15. c. 237. For it is manifeſt that he ſuld haue of euery Boate, that paſsis to the draue and ſlayis herring, an thouſand herring of ilk tack that halds, *viz* of the lambmes tack, of the winter tack, and of the Lentron tack, in December. 1516. The Kings advocat contrar *William Harper*, and his Colleges. Item, the kings rents of aſsiſe is interpreit, to comprehend the Kings Landes and cuſ- 4 toms 9. *Decem. 1466. & 11. Mart. 1500.* In the action betuixt *Iames Ogilbie*, contrair *Patrick Gray*, certaine oxen was poynded for ſindry vnlawes, & for the rent aſsiſe aucht to the Kings Hienes for the blanch ferms of the lands of *Arlie*. And ſik-like, the third of the Kings rent of the aſsiſe, That is to ſay, the lands & cuſtomes ſuld perteine to the Queene, as her dow- 5 rie, Ia. 3. 9. *Octob.* p. 1. c. 2. In this realme ane aſsiſe is called ane certaine number of men lauchfullie ſummoned, received, ſworne & admitted to judg & diſcerne in ſindry civil cauſes, ſik as perambulations, cõmiſsions moleſtations, purpreſture, diviſion of lands, ſerving of brieves, and in all & ſindrie criminal cauſes. For be the law of this realm, all crimes ſuld be de-

Aſsiſe herring.

decyded & tried be ane aſſiſe, *Stat. Alex. c. 3.* quhairof their is twa kindes. Ane ordinarly in vſe, quhilk may be called ane litil aſſiſe, of the nummer of 13. or 15. perſons, *lib. 3. c. generalia 25.* The vther called an great aſſiſe, quhilk cõſiſts of 25. perſons. *lib. 1. c. pœna. 16. lib. 2. c. dos 19.* & al the aſſiſors in baith the ane & the vther aſſiſe ſuld ſweare an ſolemne aith, to judge & diſcerne richtly. *vid. Bona patria*, for the quhilk cauſe they ar called *Iuratores li. 1. c. pœna. 16.* & in ſum buiks *aſſiſa*, is called *iurata patriæ*, & in the Engliſh laws an Iury. The great aſſiſe (quhilk is not cõmonly vſed in this realm) is choſen againſt ſik perſons, as hes bin vpõ an little aſſiſe, & ar accuſed *de periurio vel temerario iuramento*: & that they haue done wrang againſt the lawes in clenging ony treſpaſſor, quha is guilty & fowle of the crime. In the quhilk caſe, the man that is clenged, albeit wrãgeouſly, can not be filed againe or puniſt: for he being anis quite, he is euer quite for that crime: bot the aſſiſors may be accuſed of their wrangous deliverãce I. 3. p. 8. c. 63. The great aſſiſe ſuld be of 25. perſons, nobil & gentilmẽ. & the Lords of the Seſſion, vpon the firſt day of Iunij, 1591. declaird al thẽ to be eſteemed, halden & repute as noble perſons & gentlemẽ, that ſall happẽ to be ſũmoned vpon ſik an aſsiſe, quha ar landed men, albeit they be inferior in rank & dignity to them, vpon quhais aſſiſe they ſuld paſſe. *Twa formes of aſsiſes*

ATTAYNT, *Taynt*, an word meikle vſed in the Engliſh laws, *Attayntus*, is accuſed, filed or convict for ony crime or cauſe. *Stat. 2. Ro. Br. c. Item. c. 9. Item dominus 21. c. Item 24.* an Iudge being convict or attaint of taking of buds or of partialitie, ſuld be puniſhed at the kings wil, & tine his office. *St. 2. Ro. Br, c. dominus rex. 22. Sta. 1. Ro. Br. c. Item quòd nullus 8. Ia 5. p. 7. c. 104.* Bot attaint or *Taynt*, is called the deliverãce or probatiõ of 24 (*aliàs* 25) leil men, the quhilk may be called an great aſſiſe. *li. 1. c. pœna 16.*

ATTACHIAMENTVM, frõ the French word, *attacher, ligare nectere*, anc charge or binding of ony perſon, to the effect he may be drawen, & compelled to compeir in judgement & anſwer as law wil, In the preface & beginning of the buik called: *Quoniam attachiamenta, attachiamentum dicitur quoddam vinculum legittimum, per quod pars defendens invita aſtringitur, ad ſtandum Iuri, & reſpondendum parti de ſe conquerenti iuridicè.* And *attachiament* ſomtimes is of guds & geare, as in contracts, conventiones, and actions of moveable guds, in the quhilk the gudes and geare of the defender are *attached*, vntill he finde caution & pledges to anſwer as lawe will, quhilk being funden, the *attachiament* is relaxed & lowſed. Sumtimes attachement is of ane mans perſon and bodie, as in actiones of wrang, or criminall cauſes. In the quhilk, the perſon of the tranſgreſſors ſuld be firſt *attached*, and gif he be diſobedient, or fugitiue, his guds and gear may be *attached*, vntil he finde caution to vnderly the law. Swa commonly, bot not perpetually, *attachiamentum, vel eſt bonorum, vel corporum, ſicut arreſtamentum bonorum*: as gif the Crowner can nocht apprehend ony man indited, to *attach* him perſonally to cõpeir in the Iuſtice aire: then he ſuld arreiſt all his gudes moveable and vnmoveable to remaine vnder ſure pledges: and to be furth cũmand to the King, incaſe he cõpeir not. *leg. Malc. Mak. c. 1.* & in criminal cauſes, ſpecially in treaſon

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the person or bodie of the defender suld be first attached, & put in sure firmance, vntil he haue thoiled ane assise, quhidder he be quite or foule. Ia.2.p. 12.c 49. And in civill causes, the guds & geir of the defender suld be first arreisted. Li.4.c.1.as writtes *Matthaus de afflictis, in consuetudines Siciliæ, constit. Humanitate. Nu. 33.* Be the civill Law in execution of decreetes, first the moveable gudes perteining to the debtour, suld be first discussed, thereafter his lands and immoveable gudes may be comprised. Thirdly, the debts auchtand to him, quhilks are called *nomina debitorum*, may be persewed and discussed, *l.a Divo Pio.15.§.3. De re Iudicat.* Quhilk is conforme to the act of Parliament, quhairby it is statute, that the lands perteining to the debtor suld nocht be comprized, vntill his moveable guds be first searched, socht, and discussed. Ia. 3.p.5.c.36.

AVERIA. li.4.c. *si quis sederit. 23.c. quicunque. 31. ass. Reg. Da. c. si quis sederit 41.* In the quhilk place it is called *melius animal*, the best aucht, from the French, *le meilleur auoir*. Quhilk be the law is giuen be the husbandman to his maister, as ane herezelde, and lib.4.c. *quicunque, 31. Averia*, is called *animal*: the quhilk place is *de namatione animalium*, that is, of poinding of cattell, or of moveable guds.

AVVNCVLVS, properly is the mother-brother, bot sumtime conforme to the French maner of speach, it is taken for the father-brother, in Latin *patruus. l.2.c. si quis liberum 24.c. deficientibus 34. de iudic. c. Item nota 15. In quibus locis ius successionis dicitur pertinere ad avunculum eiusque liberos, quod non est consentaneum iuri nostro civili, si avunculus propriè accipiatur pro fratre matris, quia cognatorum, h.e. consanguineorum, ex parte matris apud nos nulla est successio. h.e. cognati non succedunt alijs.*

B

BAGIMONT, his taxation of benefices Ia.3.p.6.c,43. Ia.4.p.3.c. 39. The Pape in the time of K. Iames the third, send in this Realme ane cardinall and legat, called *Bagimont*, Quha did make ane taxation of all the rentalles of the benefices, that the samin might be knawin to the Pape: To the effect, that when ony person came to *Rome*, seik and bulles or right to ony Benefice fra him, he might conforme to the said rentall as he pleased, sell the samin for sameikle Silver, or Gold, as he thocht maist profitable. quhilk taxation is grounded vpon the Canon Law, in the *Extrauagant, suscepti regiminis, lib.6.*

BAIRMAN. *Vid. Diuour.*

BALLIVVS, ane French word, *Baillif*, Ane baillie or judge, *lib.1.* c.10.c.*31.* quha hes ane ordinar power and jurisdiction. *Nam ballius. siue iudex non potest esse arbiter. li.2.c.4. Ballia*, in Latin, *provincia*, ane baillerie or jurisdiction. *li.1.c.7.c.18. stat.2. Rob.Br:c.4.c. Robertus 28. Dicitur autem Ballivus a Baal, h,e. domino, quia balliui dominantur suis subditis, quasi eorum magistri & domini, Rebuffus in constit. regias, de sentent. execut. art.7. gl.1* And in the Checker compts, the Baillies of Burrowes are properly call

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led *ballivi*. Quha be the Lawes of this Realme, makis compt zeirlie in the Checker, of their burrow mailles, as ane parte of the Kingis annexed propertie, and alſo of their common gude, quhilk ſuld be imployed in the neceſſar affaires of the Burgh. And like-waies in the Checker, compt is maid of the Kingis propertie, be ſik as are called *Ballivi Regis*, and intromettis with his rentes: quhais comptes ar called *computa Ballivorum ad extra Scel. Extra Burgos*: And are improperlie called *Balliui*, being Chalmerlanes input, and out-put be the Comptroller, for quhom he ſuld be aunſwerable. Mair-over, in the Checker-compt, maid *per rotulos*, is quhen the Compter is charged in his compt, conforme to ane former compt, rolled of before: And *computum extra rotulos*, is quhen the compter is charged in his oneration, be ony precept direct be himſelfe, or be ony intromiſſion maid be him of the Kingis rentes, before the making of his compt, or with ony dewtie ſilver, or vther thing perteining to the King extraordinarlie, and not zeirly, as ane part of his patrimonie.

Computum ballivorum ad extra.

Computum per rotulos & extra rotulos

BANRENTES, *Banerets. Iam. 1. par. 7. c. 101.* In the quhilk place it is manifeſt, that Ban-rent is ane kinde of eſtaite, greater and mair honorable then Barronnes: For the Barronnes ar permitted to chuſe their Commiſſioners, to be ſent for them to Counceli and Parliament, to propone all and ſindrie needes and cauſes perteining to the commounes, in the Parliament or generall Councell: Bot the Ban-rents ſuld be warned be the Kings ſpeciall precept, to compeir perſonallie in the Parliament or Councel; In ſik maner, as Biſhoppes, Earles, Lordes, Abbots, Priors, vſis to be ſummoned. This worde is commonlie vſed in the Engliſh lawes, and in ſindrie lawes of vther Cuntries. *Cuia. l. 2. de Feud. Tit. 7. de nova fidelitatis forma. Boerius in deciſiones Burdegalenſes, Tract. de authoritate magni Conſilij. Guido Papa quæſt. 614. & 326. ius Normand. l. 5. c. 2. Nu. 7. Zaſius de Feud. Tit. qui Feudum dare poſſunt.* Some callis Ban-rentes them quha hes Banners rente, and divided in ſindrie partes. Vthers callis them quha hes the rente or zeirlie dewtie of ane Barronne. And ſik-like, ſome vnderſtandis them quha bearis the Kingis Baner in his hoiſt and armie: quhilk office and honor perteinis heretablie and allanerly to the Conſtable of *Dundie*, the Kings Baner man. But all men when they ar belted and maid Earles, ar called Barronne Ban-rent, and Lorde of our Soveraine Lordis Parliament: Quhairby it is manifeſt, that the ſaid dignitie is commoun to manie, and nocht proper to ane man: And therefore ſeeing *Zaſius* in the place foreſaide, writtis, that Ban-rente is ane dignitie concerning weir-fare: I thinke in my opinion, that Ban-rentes are called *Chevaliers* of Armes, or Knichtes, quha for obteining of greate honours, dignities, or riches, hes power or priviledge graunted to them be the King, to rayſe and lift vp ane Baner, with ane companie of men of weir, either horſe-men, or fute-men, quhilk is nocht leſum to ony Earle or Barronne, without the Kingis ſpeciall licence, asked and obteined to that effect. As *Henrie Paſquier Advocat. Lib. 2. des recherces de la France. c. 9. Fol. 100.* prouis be money and ſindrie arguments of the Hiſtorie of *France*. And Doctour *Thomas Smith*, ane learned man, in his buike, anent the commoun weill of *England*. *Lib. 1. cap. 17*, ſayeth, that Knightes,

Ban-rents ar maid in the field, with the ceremonie of cutting the poynt of their ſtanderd,& making of it as it were ane Banner, they being before Bachellers,ar now of ane greater degree,allowed to diſplay their Armes in ane Banner,in the Kingis hoiſt and armie.

BANNITVS, Baniſhed for ony crime or vther cauſe. *Bannum*,ſignifies ane trumpet,in Latin *tuba*,as writis *Alciatus l.2.parer.c.2.ex Procopio,lib 4 belli Perſici.* And be the common vſe & conſuetude of this realme,quhen ony perſon is baniſhed,or put to the horne,the ſame is done with three blaſts of ane horne,or ane trumpet. And for that effect,it is ſtatute & ordained,that the Kings Maire or ſeriand ſall haue ane horne & wand.Ia.1.p.7.c.99. for with the horne he denuncis men rebelles, and with the wande, he receivis them to the Kingis peace, quhilk therefore is commonly called,the wande of peace. *An Bannitus poßit impunè offendi in corpore & bonis vid. Cheſſaneum in conſuetud.Burgund.p.2.§.1.ver. confiſcationis.Nu.7.cum ſeqq.*

BARO,ane Barronne. *Zaſius de Feud.Tit.qui feudum dare poſſunt*,writis, conforme to *Cornelius Tacitus in Libro de Germania*; That *Dux*,or ane Duke, is the Gouernour of ane Province or Armie,*Comites*,or Earles,ar they quha are aſſeſſoures to the Duke, or Prince;Swa called *a comitando*,becauſe they accompanie the ſaidis Dukes,and neuer paſſis out of their preſence. *Marchiones*,are Marqueſſes,Wardanes, or keipers of the Bordoures: For Mark, Marche,in Latine *Limes*, and *Mark-graue* in Dutche, is *Comes limitaneus.* And all *Marchiones* dwelling on the Bordoures or Marches of the Cuntrie. As in this Realme, the Earledome of *March*,quhilk perteinis to our Soveraine Lorde,as ane parte of his annexed propertie. Bot *Comes Martialis*,or Earle Martiall, is ane man of dignitie or juriſdiction, *a marte vel bello*: Becauſe the juriſdiction of weir-fare perteinis to him. *Alciatus libro de ſingulari certamine.c.32.* Affirmis, that like as the Earle is inferiour to ane Duke, ſwa ane Barronne is inferiour to ane Earle: And that *Baro*, cummis fra the Greeke word βαρυς, *gravis*, wiſe, graue, prudent, and diſcreit: Bot contrarie wiſe,*Petrus Pithœus*.Lib.1. *Adverſariorum* writis, That *Baro* ſignifies ane baird, fuile,or vn-wiſe man. Quhais opinion, I cannot gudlie approoue. *Baldus in Cap. Innotuit de electione, definit Baronem, vt ſit quiſquis merum miſtumque habet imperium in aliquo caſtro vel oppido, ex conceßione principis.* In this Realme he is called ane Barronne ,quha haldis his landes immediatlie in chiefe of the King,and hes power of pit & Gallous.

BARRATRIE, or *Barrataria*, ane kinde of Simonie, ſpecially in obteining the richt of benefices. *Socinus reg.55.Baldus in conſilio 21.Part.5.* For al men paſſand to *Rome*, & byand benefices committis *Simonie*,& ar called *Barratours.* Be quhom *Barratrie* is committed,& quhat is the paine theirof, it is manifeſt be the actes of Parliament. It is ane Italian word,and be the Italian interpretours of the civil Law,*Barrataria*,is quhen ane Iudge corrupted be buddes(ſik as gold& ſilver)judgis wrangeouſly, *Petrus de Rauen.ſingula.156* and ſwa doing ſellis Iuſtice for meid and profite,and makis his office readie to bee boucht bee him, quha will giue maiſt theirfore. *Angel de Syndicatu.* Nu.4. For the quhilk crime, he may be depriued, and ſharpely puniſhed. *Bartol.1.l.Mania 13.§.1.Nu.3.de annu.legat.* And likewaies *Barratoures*

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in the Lawes of *England*, ſuld not be ſuffered to make ſute, or to giue judgementes, or pronounce ſentence or domes, anno. 3. *Edward. 1. c. 32.*

BASTARDVS, in French *Baſtard*, ane bairne vnlauchfully gotten outwith the bande of Mariage. Quhilk worde is barbarous, and (as I ſuppone) na reaſon can be given quhairfore it is ſo called: Bot *Gabriel Palæotus*, in his buik *De nothis, ſpuriſque filijs*. c. 18. alleagis it to cum fra βαςαρις quhilk ſignifies ane huire, or common woman: Be reaſon that Baſtardes are commonly gotten & procreat with ſik weemen: in Greeke he is called νοθος, for τα νοθια ſignifies that parte of the fathers gudes and geare, quhilk be the Law of the *Athenians*, leaſumlie micht be given be the Father to his Baſtard ſonne, extending to the ſumme of *mille drachmæ*, and therefore νοθος Νοθος was called all that was not trew or lauchfull, as writis *Budæus in Pandectas*. And ſwa cummis νοθος fra νυ, *privativa particula*, & θειον h.e. *diuinum*, *teſte Suida*. Becauſe he wants that quhilk is godly and lauchfull, that is ane honeſt and lauchfull birth or parentage. And ſwa νοθος *dicitur qui non ſit legitimus*, to the quhilk there is na proper Latine worde correſpondent, as *Quintilianus* teſtifies lib. 3. c. 6. Nevertheles, he is commonly called *Spurius*, for in l. 1. ff. *de poſſes. contr. tabul. Spurij dicuntur* παρα την σποραν *h.e. ſatione, vel ſeminatione, eaque vaga, & promiſcua: vbi doctiores* σποραδην *legunt, quaſi ſparſim concepti.* Spurius like as they are called *vulgò concepti. l. in adoptivis. 14. de ritu nuptiarum.* Likewiſe *Spurius* was the proper name of ane man amangis the *Romaines*, as *Titus* or *Caius*, and was written with twa letters *Sp.* and likewaies they quha had na certaine Father, was deſigned with the ſaids twa letters, *S.* and *P.* and ſwa be common vſe and conſuetude, *Spurij dicebantur ſine patre*, as writis *Plutarchus in problematibus*, becauſe their Father and Mother not being lauchfully maried, they haue na certaine father: *quia pater dicitur quem legitimæ nuptiæ demonſtrant. l. §. ff. de in ius uocand.* And it is alike to haue na Father, & to haue incertaine father, as we ſay, he quha will haue monie gods, hes na God. *Poſtremò Blondus li. 8. Romæ triumphantis, is (inquit) qui illegitimè natus eſſet ex concubina vel ſcorto, contumeliæ cauſa, ſpurius dicitur, eo quòd Sabini, muliebre pudendum* σπορον *appellarunt: hæc ille. Inhoneſto originis genere in lucem editos, infami & inhoneſta appellatione notare voluerunt veteres.* And that parte of weemens Σπορον claiths, ſik as of their gowne, or petticot, quhilk vnder the belt, and before Spare is open, commonly is called the ſpare. As concerning the ſucceſſion of Baſtardes, thir ſhort rules are to be obſerved, conforme to the Law, and practicque of this Realme. Firſt na Baſtard, nor na perſone, not procreat and gotten in lauchfull mariage, may onie waies be lauchfull aire and ſucceſſour to ony of our Soveraine Lordis lieges. *Lib. 2. c. in cùſtodijs 50.* For be the law of God, *Iſmaell* being baſtard, gotten vpon ane bound woman *Agar*, *De Succeſſione actiua, & paſſiua Baſtardorum.* micht not be aire to *Abraham*, with *Iſaack. Geneſ. 21. 10.* Becauſe all richt of ſucceſſion is be reaſon of bluid, and conſanguinitie of the Father ſide, quhilk is called, *ius agnationis*, and theirfoir ane baſtard, quhais father is incertaine, be the law is vnderſtand, bereaſon of bluid to be ſib to na man, and nane to him, *Et vbi nullus eſt Pater legittimus, ibi nulla eſt agnatio aut ſucceſſio ratione agnationis.* *Baſtardus non poteſt eſſe hæres.*

Secondlie, the bairnes maill or female, lauchfullie gotten be ane Baſtarde,

ſtard, with ane lauchful maried wife, ſucceedis to him as righteous & lauch-
Legitimi baſtardorum liberi, ipſis ſuccedunt. full aires, in his Landes, gudes and geare, in the ſamin maner, as gif their father had bene gotten and borne in lauchfull band of mariage, *Quia filius eſt hæres legitimus, quem nuptiæ demonſtrant lib. 2. c. in cuſtodiis 50.*

Fiſcus ſuccedit filio vel filiæ, Baſtards Thirdly, gif the lauchful bairne, mail or femail of ane baſtarde, ſucceides to him, and thereafter deceaſis without lauchfull aires gotten of his awin bodie, or without lauchfull brother or ſiſter: and lauchfull teſtament and latter will maid be him, all and haill his landes, gudes and geare, not being diſponed and annalied be him in his life time, aucht and ſuld perteine to the King, be the priviledge and richt of his Crowne: Becauſe, as ſaid is, there is na richt of ſucceſſion in this Realme be the Mother-ſide, and the Sonne or dauchter of the baſtard deceaſand, as ſaid is, hes na perſon ſib to him be his father ſide: And ſwa all richt of ſucceſſion ceaſand baith vpon the mother and father ſide, *tam ratione cognationis, quàm agnationis*, the King be reaſon of his Crowne, is vniverſall ſucceſſor to him in his landes, gudes and geare, as *vltimus hæres.*

Baſtardus res ſuas alienare poteſt, tanquam liber earum dominus. Fourthly, an baſtard being *legitimat*, or not *legitimat*, may in his liege pouſty, and induring his life-time, annalie and diſpone his landes, gudes and geare moveable and vnmoueable, to quhom hee pleaſis, in the ſamin forme and maner, as ony perſon gotten in lauchfull bed may do be the Law.

Fiſcus ſuccedit baſtardo. Fiftlie, all guds moveable and vnmoveable, of ane perſon borne baſtard, and deceaſand baſtard, without lauchfull aires gotten of his bodie, and na diſpoſition theirof maid in his time, perteinis as eſcheit to the King, be reaſon of the richt of his Crowne. *Lib. 2. c. quari autem 51. leg. foreſt. c. ſi baſtardus 50. de. iudic. c. ſi baſtardus 54.*

Baſtardus legitimatus poteſt teſtari legitimè Sixtly, ane Baſtard being naturalized or *legitimat* be the King, vnder the great ſeale, be the practicque now vſed and obſerved, hes allanerly power to make teſtament, diſpone his moveable gudes and geare, and nominate executors, conforme to the Law of this Realme: be the quhilk law, na man lauchfullie, or vnlauchfully gotten or borne, may make ony diſpoſitiõ in his teſtament, bot of his moveable gudes allanerlie. For na man vpon his death-bed, or in his latter will, without conſent of his aire, may diſpone ony part of his heretage. *Lib. 2. cap. Poteſt 21. cap. Cum quis 36.*

Teſtamentum illegitimè factum non excludit fiſcum. Seventhly, gif ane baſtard legitimat and rehabled in his life-time, makis ane teſtament lauchfullie: The King thereby is excluded fra all richt and intromiſſion with his moveable gudes: Bot gif hee makis ane teſtamente quhilk is null and vnlauchfull: Or gif he makis na teſtament, The King be reaſon of baſtardrie, ſucceedis to him in all his moveables, and vnmoveables: For in this caſe, the effect and power of the legitimation ceaſis, and hes na operation.

Bona mobilia Baſtardi fiſco inferuntur. Auchtlie, quhen ane Baſtard deceaſis without any lauchfull teſtament maid be him, or not havand aires lauchfullie gotten of his body; The King be his Theſaurar, or ony vther havand gift and power fra him, may intromet with all the moveable gudes quhatſumeuer, perteining to the Baſtard, the time of his deceaſe, and not diſponed be him in his life-time, as eſcheit perteining to his Hienes, be reaſon of his crown and Kingly power.

Ninthly

Ninthly, Sick like all landes & tenementes perteining to the ſaid Baſtard, the time of his deceaſe, and halden immediatlie of our Soveraine Lord in chiefe, after his deceaſe, perteinis to the King, and the propertie thereof, be deceaſe of the Baſtard, & be reaſon of eſcheit of Baſtardrie, belangand to the Crowne, is conſolidat with the ſuperiority in the Kings perſon; in ſik forme and manner, as gif the Baſtard in his life time had maid reſignation thereof in the Kings hands. *Bona immobilia de rege tenta, fiſco inferuntur.*

Tenthly, Concerning lands and heretage, perteining to ane Baſtard, not halden of the King, bot of ane vther ſuperiour, Spiritual, or Temporal: the King hes richt of preſentation. Be the quhilk, after the deceaſe of the Baſtard, he may preſent ony perſon quhom he pleaſis, as heretable tennent to the Baſtards immediat ſuperiour, be his letter, vnder the quarter ſeale, bearand That forſameikle, as *N*, borne Baſtard, and deceaſand Baſtard, without ony aires lauchfullie gotten of his bodie, and na lauchful diſpoſition maid be him in his life-time, had the landes called *B.* perteining to him in heritage, halden immediatly of the ſaid ſuperiour: And his Hieneſſe being willing not to prejudge the ſuperiour, anent his ſuperioritie: Therefore preſentis to him ſik ane man, charging the ſuperiour to receiue him, & giue him ſik infeftment of the landes, as the vmquhile Baſtard had of him of before. *In aliis bonis immobilibus Rex habet ius preſentationis*

BERTHINSEK, Or *Birdinſek*. Be the law of Birdinſek, na man ſuld die, or be hanged for the thieft of ane ſcheepe, ane weale: Or for ſameikle meate as he may beare vpon his backe in ane ſeck: Bot all ſik thiefues ſuld pay ane ſchiepe or ane Cow, to him in quhais land he is taken: And mair-over, ſuld be ſcurged *Lib. 4 c. De Tburpanan ſeca. 14. Quoniam attach. c. per conſtitutionem 44. Aſſ Reg. Da. c. 1. In fine. Stat. Alex. c. de Berthinſek 19.* Quhilk is cõforme to the Civill and Canon Law. *Nam omnia delicta & maleficia æſtimantur voluntate. & propoſito delinquentis. l. qui iniuriæ 53. In prin. ff. de furtis l. 1 ff. de Var. & ext. Crim. Ideoq; ſi quis neceſsitate famis ſedandæ, egeſtate, aut paupertate coactus, rem alienã contrectat, quia non adeſt animus furandi cupidus, excuſari poteſt c. ſi quis. Extr. de furt. Non enim factũ ſed cauſa faciendi inſpicitur. Verũ 29. ff. et vulgo dici ſolet, neceſsitatẽ non habere legẽ. L. Non ſolum §. Vlt. de excuſation ib. Tutor.*

BLVIDVEIT, WYTE In Engliſh is called *Iniuria, vel miſericordia*, Ane vn-law for wrang or injurie, ſik as bloud. For they quha ar inteſt with Bludueit, hes free libertie to take vp all vnlawes or amerciaments of Court, for effuſion of bloud: And to hald Courtes thereupon, and to apply the ſamin to their awin vtilitie and profite. *Bluduite* ane word mair commonly vſed in Charteres and infeftmentes, then weill vnderſtande in the common practicque of this Realme. For in ſtrife or tuilzie, quhairin happins effuſion of bloud; the ane partie is fyled be ane aſſiſe of the bloud; and the vther partie is convict of the wyte, quhairthrow, twa vnlawes ar payed for ane fault or crime, contrair the rule of the law, *Pro vno delicto non debet eſſe niſi vnum forisfactum vel miſericordia.* And in auld authentick buiks of the Laws of this Realme: Like as Flyt-weete, is ane amerciament for flyting or ane verball injurie: Swa Bluiduite ſignifies libertie, quhairbe ane is free & quit of payment of vnlawes or amerciamentes for effuſion of bloud, and hes power to halde court thereanent, and to tak vp and apply the ſamin to his

awin profite and vtilitie, being infeft with Bludweit: Yet nevertheleſſe, hee may not take twa vnlawes theirfoir, bot ane allanerlie: For Bludweit, *eſt vnum verbum iunctum ſeu compoſitum*, ſignifying ane paine, ane vnlaw, or amerciament for ſhedding or effuſion of bluid. Quhilk paine, in our aulde lawes, is liquidate and modifyed be payment of ane certaine number of Kye; as was commonly vſed and wont for vther crymes in thoſe dayes, and that conforme to the eſtait of the perſon receiver of the injurie. Lib. 4. c. *Sanguis* 67. In the quhilk place, it is manifeſt that the Bluidweit or vnlaw, for effuſion of blud of ony man, vnder the braith of his ende (*ſubtus anhelitum*) is les be the thrid part (*tertia parte minor*) then the vnlaw or bluidweit abone his end or mouth. For it was eſteemed ane greater injurie, to breake ane mans head, or ſhed the bluid of his head, either before in his face, or behinde, then in ony vther inferiour part of his bodie: becauſe, the head is the principall and chiefe pairt of ane mans bodie, quhairin the judgement and memory makis reſidence.

BONA PATRIA, *Lib. 1. c. ſiverò 29.* Ane aſſiſe of cuntrie-men, or of gud nichtboures: Sometimes it is called *Aſſiſa bonæ patriæ*, quhen twelue, or maa men ar choſen furth of ony part of the Cuntrie, to paſſe vpon Aſſiſe, quha ar called *Iuratores*, becauſe they ſuld ſweare judicially, in preſence of the partie, ane ſolemne aith. *Lib. 1. c. Poſt hoc. 14.* Iam. 1. p. 13. c. 138. In this maner following. **We ſall leill ſuith ſay, & na ſuith conceale for na thing be may, ſa far as we ar charged vpon this Aſſiſe, be God himſelfe, and be our pairt of Paradiſe, and as we will anſwer to God, vppon the dreadfull day of Judgement.**

Iuratores.

The aith of the aſſiſors

BONDAGIVM, or *Villenagium*, ſlaverie, or ſervitude: For *bondi, natiui*, and *Villani*, ſignifies ane thing. *Lib. 2. c. Conſequenter 13. cum ſeqq. Bondi*, be reaſon of their band and obligation, as bound and obliſhed men. *Nativi*, be reaſon of their nativity and birth, as borne men within the land, *Quaſi aſcriptitij glebæ*, That is depute, deſtinate, or ordained be their maiſter to dwel and remaine vpon the land, for keiping and labouring thereof. *Lib. 2. c. Pluribus 14.* And therefore vtherwaies ar called *Villani*, be reaſon of their office: in ſa far as they haue the cure of Villages, and landwart husbandrie committed to them. *Bondagium per anteriores crines capitis, Quoniam attach. c. de breuibus 31. 15.* Quhen ony free-man, renuncis his libertie, and makis himſelfe ane bond, or ſlaue to ane great man in his Court, and makis tradition, and delivering of himſelf, be giuing ane grip of the haire of his forehead; to the effect he may be maintayned and defended be him thereafter. The quhilk bond-men, gif they reclaime to their libertie, or happen to be fugitiue fra their maiſter, may be drawen backe againe be the Noſe, to ſervitude: Fra the quhilk, the *Scottiſh* ſaying cummis, quhen ane boaſtis and menacis to take ane vther be the Noſe. And it is leaſum to ony man to ſell his libertie; bot gif he dois, he may never recover the ſamin. *Aſſiſ. Reg. Da. c. Quilibet 12. Quoniam attach. c. quilibet, 56.* To this the Civill Law is conforme. *Nam his qui ad precium participandum ſe vænundari paſſi ſunt, ad libertatem proclamare non licet. L. 1. ff. quib ad lib. Petrus Pithæus. li. 1. Adverſariorum*, makis mention of ane kinde of adoption, *per comam ſine capillos*, quhen ony perſon tuik ane grip

Bondi. Natiui.

Villani.

Bondagium per anteriores crines.

grip of ane vther mans haire, and did cut it: Quhairby the ane became the Father adoptiue, and the vther the Sonne adoptiue.

BORGH, ane Cautioner, pledge, or ſovertie. Iam. 3. Par. 14. c. 99. In Latine, *Fide-iuſſor. vid.* Free Borgh. *vid. Plegius.* Borgh of Ham-hald. *de Maritag. c. Sciendum 17.* Ane Caution or ſovertie vſed in bying and ſelling, quhilk the ſeller findis to the byer, to make the gudes furth cummand, as his awin proper guds, & to warrand the ſamin to him. For it is ſtatute, that na man ſal bye ony geare, except the ſeller thereof finde him ane lauchful pledge; quhilk is called Borgh of Ham-halde. And gif it ſall happen, the gudes ſauld and bocht, to be challenged bee ane vther, and the ſaide pledge cannot finde him, for quhom he is pledge, to relieue him of the ſaide challenge: He ſall paye to the Challenger the triple of the thing challenged, and aucht Kye to the King as ane vnlaw. And gif he quha fand the ſaide pledge, relieuis him not from the ſaid damnage, he ſalbe baniſhed the Realme. *Lib. 1. c. Statuit etiam 19. St. Alex. c. Statuit etiam 13.* For generallie the Cautioner hes gud action, contrair the principall, for his relieſe. *Lib. 3. ca. 1. In fine.* And ſiklike within Burgh, the like caution ſuld be found in bying and ſelling of all merchandice, except meate and drinke, and vther thinges of ſmall conſequence. *Leg. Foreſt. c. Nullus 48. Et de iure civili venditor per cuictionis præſtationem, cogitur ſeruare emptorem indemnem, eodem modo ac ſi dominum nactus eſſet. L. exempto. N. inprin. ff. de actionibus emp. vid. Hamhaldare. vid. Hamſucken.* Mair-ouer, gif ony man becummis ane furth-cummand borgh for ane vther, to make him furth cummand as ane haill man, it is ſufficient, gif hee produce him perſonallie, haill and ſounde before the judge, in lauchful time and place. Bot gif he be pledge for ane vther, that he ſalbe anſwerable as law will, hee mon ſatisfie for him in Courte, and to the partie to quhom he is pledge, in all things, as the principall ſuld haue done. *Quoniam attach. c. vbi aliquis 11.* Borgh of Hamhald.

BOTHNA, *Buthna, Bothena. L. 4. c. Si quis namos 30.* appearis to be ane Parke quhair cattell ar fed and incluſed, *vt in Lib. M. Alexandri Skenæi, fratris mei germani, quondam in ſupremo Senatu Advocati.* Quhilk is confirmed be *Hector Boetius l. 7. c. 123. Nu. 35. Cum ſcribit maritimam Theſſaliæ partem à vectigali, quod Regijs procuratoribus ab incolis in annos pendi ſolitum erat, cum gregum multitudine abundarent, Buthquhania appellatam: eſt enim, quhain, idem quod vectigal, priſca Scotorum lingua: et Buth, ouium collectio: hæc ille.* And it is manifeſt, that the place in the quhilk the zowes ar incloſed quhen they ar milked, is cõmonly called ane Bucht. Sicklik, *Aulus Gellius l. 11. c. 1.* writis that *Italy* is ſo called, a *Bubus*, becauſe Ιταλοι in the auld *Greek* language, ſignifies oxen, of the quhilk there was great abundance & multitude in *Italy*, quhilk is confirmed be *Paulus Vanefridus*, utherwaies called *Paulus Diaconus. lib. 2. c. 24. Italia (inquit) ab Italo, Siculorum duce, qui eam antiquitùs inuaſit: ſiue ob hoc Italia dicitur, quia magni in ea boves, h. e. Itali habentur, ab eo namq; quod eſt Italus, per diminutionem, vna litera addita, alera immutata, vitulus appellatur. Item Bothena. S. Wil. c. 11.* Signifies ane Barronie, Lordſhip, or Schireffdom, as is manifeſt, *Ex Lib. Sconenſ. ca. 99. Aſſiſa Regis David. Et Dom. Bothenæ*, is the Lorde of the Barronie, lande, or grounde. *Leg. Port, ca. 1. in libro M. Wilhelmi Skenæi, fratris mei*

Commiſſarij Sancti Andreæ. Pag. 149. c. 79. Item, It is ſtatute and ordained, that the Kings Mute, that is, the Kings Court of ilk Bothene, that is, of ilk Schireffedome, ſalbe halden within fourtie daies. *Aſſ. Reg. Da. c. 6. in Libr. quondam M. Roberti Carbraith. I. C. Doctiſſimi.*

BOTE, Ane auld Saxon worde, ſignifies, Compenſation, or Satisfaction: As man-bote, thieft-bote; And in all excambion, or coſſing of landes or geare moveable: The ane parte that gettis the better, giuis ane Bote, or compenſation to the vther. Quhairof there is ane example in §. *Si familæ, Inſtit. de Offic. Iudic. & in* §. *quadam actiones. Inſtit. de actionibus.* Ane man-bote is aſſithment for the ſlauchter of ane man. Kin-bote, for the ſlauchter of ane Kinſ-man. Thieft-bote, is quhen ony man agries with ane thiefe, & puttis him fra the Law. *Iam. 5, 12. Iul. Parl. 1 c. 2.* Or quhen ony ſellis onie thiefe, or finis with him for thieft-dome done, or to be done. *Ia. 1, Par. 13. c. 137.*

BOVATA TERRÆ, ane oxen-gate of land. *Li. 4. c. Si quis ſederit 23.* Quhilk in ſum buiks is wrangeouſlie written *Dauata terræ.* The Lords of the Seſſion be their decreete. 18. Iulij. 1541. eſteemed and modified ane Oxen-gate of land, to twentie ſhillings in all dewties zeirly. Bot in this I finde na certaine rule; For ſome land is mair fertill, and vther mair barren: Alwaies, ane Oxen-gate of land, ſuld conteine threttene aicker: And four Oxen-gate extendis to ane pound land of auld extent, conforme to the decreetes given be the Lordes of the Checker. 11. Mar. 1585. *Patrick Mony-penny* of *Pilrig*, and vthers, contrair *Adam*, Biſhop of *Orknay*. And at the inſtance of *Iohn Creichtoun* of *Bruntſtoun*, contrair *Iohn Fentoun*.

BREVE, Ane commoun worde in the Lawes and practicque of this Realme: And alſo in the Civil Law *l. 1. C. Deex actorib. Tribut. l. 10. l. vlt. c. de conveniend. fiſci. Debitorib. Lib. 10.* quhair, in the Gloſſe, it is called *Schædula*, ane ſchort compendious write: Like as all Brieues are conceived in fewe wordes, and ar alſwa called *Breuicula.* And in *Rubr. C. de ſentent. ex periculo repitand. Alciatus lib. prim. diſpunct. cap. 21. Et Iacobus Cuiacius, Antonio Contio repugnante, legunt ex Breviculo, id eſt, ex ſcripto breuiori formula concepto.* Becauſe the ſentences and decreetes of Ordinar judges, ſuld be red and pronounced in writ. *Breve teſtatum*, is ane writ or inſtrument, ſubſcrived be ane publick Notar: Or be twa witneſſes, quha ar called, *pares curtis, vel curiæ h. c. Convaſſalli:* Quha baith haldis their land of ane ſuperiour. *Cuiacius Lib. 1. & Lib. 2. Tit. 3. De feud.* In the auld Lawes of this realme, diverſe and ſindrie Brieues hes bene vſed and wounte, quhairof mention is maid. *Quon. attach. c. de brevibus* 31. And in ſindrie vther places. Bot ſeven formes of Brieues allanerly, ar now commonly vſed. The firſt, the Brieue of Mortanceſtrie. The ſecond, the Brieue of tutorie. The third, the Brieue of Idiotry: the fourth, the brieue of *Terce*. The fifth, the Brieue of line, or alienation of landes and tenements within Burgh. The Sext, the Brieue of diviſion. The Seuenth, the briefe of perambulation. Quhairof the three brieues are aunſwered and retoured againe to the Chancellary: & the vther four, receiuis na retoured anſwer. The cauſe of the diverſitie dependis vpon the forme of the brieues direct furth of the Chancellarie. Becauſe the three firſt brieues in the ende of ilk ane of them conteinis an commande to the judge, to quhom they ar direct, to ſend

back

back againe his anſwer to ilk poynt of the brieue. And the remanent foure brieues hes na ſik command, and theirfore requiris na anſwer.

BREVE *de diviſis faciendis*, Is the brieue or ſummonds of cognition, or moleſtation anent the propertie & commontie of lands, anent the bounds, meithes and marches theirof, betuixt Neighbour and Neighbour: Quhilk be the new acte of Parliament, ſuld be decided be ane aſſiſe, before the Schireffe and his deputes. Iam. 6. parlia. 11. c. 42. It may be like-waies called the Brieue of diviſion, or of perambulation, or ony vther concerning the marches of landes, *Lib. 2. c. dicitur 74.*

BREVE *de noua diſſaſina, Quo. attach. c. de breuibus* 31. Is the brieue or ſummonds of ejection or ſpuilzie: For *diſſaſitor*, is he quha ejectis ony man furth of the poſſeſſion of his landes, without ordour of the law, as writis *Iohn Raſtel. verb. diſſaſitor*: And *nova diſſaſina*, ſignifies alſwa ſpuilzie, maiſterful, wrangous, or violent ſpoliation & away-taking of moveable gudes and geare. 22. March. 1547. *William Lindſay* contrair *Alexander Chene. Molinæus in ſtilo curiæ Parliamenti. part. 1. c. 10. c. 18.* affirmis that *noua diſſaſina*, is that quhilk in the civill law, is called *interdictum vnde vi*: And comprehends alſo *interdictum vti poſſidetis*. And in the Law of Normandy. *Lib. 8. c.* 3. It is called, *interdictum recuperandæ poſſeſſionis, vid. diſſaſina.*

BREVES pleadable, *breue placitabile*, ar all ſik brieues, quhilkis are perſewed and defended be ane ordinar forme of proces before ane competent Iudge, at the inſtance of ane perſewer againſt ane defender. For it is ſtatute, that na man ſall be ejected furth of his lande or tenement, quhairin he alleagis him to be veſt & ſaiſed, bot be ane brieue pleadable, or ſum other brieue accordand theirto, and that the ſaid perſon be lawfully ſummoned, to anſwer vpon his heritage, at ane certaine day and place. *Stat. 2. Rob. Br. c. Item, 25.* Quhilk is conforme to the acts of Parliament. Iam. 3. p. 6. c. 41.

BREVE *de recto*, the brieue of richt was vſed before the Iuſtice generall and his deputes in deciſion of the grounde, richt and propertie of lands, and reduction of infeftments, the quhilk forme of proceſſe is declared at length, in the firſt buike of *Regiam Maieſtatem*, and in *Quo. attach. c. de breuibus* 31. and be the Lordes of councell and ſeſſion is decerned not to haue bin, nor zit to be thir mony zeires in vſe, and theirfore they finde them ſelues, conforme to the inſtitution of the Colledge of juſtice, & juriſdiction granted to them, to be judges competent in all cauſes of heretage. *vlt. Februar. 1542. Patrick Weemes* contrair *Forbes* of *Reres.*

BREVE *de morte anteceſſoris*, the brieue of *Mortanceſtrie. lib. 2. c. generalia. 25.* Or the brieue of ſucceſſion, or of conſanguinitie, *de iudicib. c. Natura. 158.* Or *breve inquiſitiõis Stat. Rob. 3. c. 1.* Or the brieue of inqueſt. Ia. 4. p. 6. c. 94 (Albeit all brieues are inquiſitions, becauſe they ar determinat *per inquiſitionem patriæ, de Iudicib. c. cum quis 152*) or the brieue of recognition, *breue recognitionis Stat. 2. Ro. Br. c. Item quia 23.* It is the maiſt neceſſar, common & profitable brieue or inquiſition that is vſed be the lieges of this realme, quhairby ane deſiris to be ſerved and retoured, as narreſt & lauchful aire to his father or vther prediceſſour. This brieue is raiſed furth of the Chancellary & perſewed be ane appeirand aire of perfite age, for recovering of his lands furth

of

of his ſuperiours handes: togidder with all the profites and commodities theirof. *Leg. foreſt. c. & ſi hares 71.* The rayſer of the brieue at the ſamin time ſuld finde caution to perſew & follow the brieve and his claime, conforme
The Iudge theirto. *lib. 3. c. generalia 25.* Be the auld law of this Realme, the Iuſtice generall and his deputes havand juriſdiction not only in criminall cauſes, bot alſo in civill actions, was judge competent to the ſervice of this brieue. *Quon. attach. c. de brevibus 31.* Bot nowe the ſamin is ſerved before the Schireffe, Steward, baillie, or ony vther judge, havand power & juriſdiction. *Stat. Ro.*
Proclamation *3. c. 1.* Or before judges delegat be commiſſion, granted be the Lordes of Councell, for the ſerving of the ſaid brieue. Ia. 5. p. 6. 82. The brieue ſuld be proclaimed vpon fifteene daies warning *excluſiuè*. That is, vpon fiftene daies not comptand the day of the ſervice of the brieue to be ane of them, be ſik perſons as hes power be their office or commiſſion to proclaime the ſamin, in ane lauchfull, publick, and convenient place: That is to ſay, in the principall Burgh of the Schireffedome, Bailliery, or vther place quhair the landes lies; at the mercat-croce theirof, and in mercat time of day, before twa witneſſes at the leaſt, to the effect that the knawledge theirof, may cum to the audience of all parties, havand or pretendand entres theirintill, and theirafter the brieue ſuld be lauchfullie execute and indorſate, be the officiar, executor theirof, and ſtamped with his ſeale or ſignet, before the ſamin be preIndorſation. ſented in judgement. *Sta. Ro. 3. c. 1. Ia. 1. pa. 9. c. 127. Ia. 4. par. 6. c. 94. Ia. 6 pal. 11. c. 60. in regiſtro 16.* Nov. 1537. It is neceſſar and alſo leſum to the Schireffe, or onie vther Iudge of this brieue, to ſummond certaine perſons maiſt worthy
Aſſiſe ſuld be ſummound. within his juriſdiction to paſſe vpon the aſſiſe, and that vppon the ſpace of fifteene dayes, or zit gif he pleaſis, vpon ane ſchorter time, and gif they bee preſent in the Tolbuith vn-ſummoned, it is leaſum to the Iudge to compell them to paſſe vpon the ſaid inqueſt, Iam. 4. p. 6. c. 94. and all ſik perſons ſummoned and not compeirand, ar charged at the barre and diſſobeyand, ſuld
Production & verification of the brieve. be diſcerned in ane vnlaw and amerciament of courte: The brieve beand lauchfully proclaimed, and the perſons of inqueſt like-waies ſummoned, & the day of compeirance being cum: the perſewer exhibitis and preſentis the brieue deulie execute and indorſate, in judgement to the Iudge, and deſiris him to cauſe the ſamin be red, and put to the knawledge of ane aſſiſe. Thereafter the officiar, executour of the ſaid brieue, be his great aith, ſall ſweare judicially, that he did execute the ſamin brieue, conforme to the indorſation thereof in all poyntes, and the witneſſe inſerte thereintill, ſall alſo mak faith, that they heard, ſaw, and by-ſtude, quhen the ſaid officiar did execute and proclaime the Brieue, in ſik maner, as is conteined in the indorſation thereof: The brieue and indorſation being ſwa verified, gif ony perſon havand
Defender entreſſe, compeiris to defend and obiect againſt the brieue, he ſuld haue inſpection thereof, gif hee deſiris the ſamin: And gif he proponis ony relevant exception, declinatour, dilatour, or peremptour: Hee thereby caſtis & annullis the Brieue, either vntill ane new brieue be rayſed againe, or *ſimpliciter* in all times cumming: vtherwaies, gif he hes na reaſonable exception or defenſe to ſtop the brieue; or gif he comperis not, the brieue ſall paſſe to the knawledge of ane aſſiſe, *Quoniam attach. c. de brevibus. 13.*

THEN

Then certaine lauchfull men maiſt worthie, and quha beſt knawis the veritie, to the number of thretteene, or fifteene, ar choſen in judgement, in preſence of the perſewer and defender: Or in preſence of the perſewer, and in abſence of the defender: knawin to haue entreſſe, and being lauchfullie ſummoned, and nocht compeirand, to the ſaide election, to object againſt ſa mony perſones, as hee may leaſumlie ſtoppe bee the Lawe, to paſſe vppon the Aſſiſe. For like as it is neceſſar, that he be anis ſummoned: Swa gif hee compeiris nocht, being lauchfullie Summoned, the Brieue ſuld receiue Proceſſe, and paſſe to the knawledge of ane inqueſt, at the deſire of the perſewer, in abſence of the defender. *Lib. 3. cap. Generalia. 35. aſſ. Reg, Da, c ſciendum eſt 44. li. 4. c. Si petens 57.* Quhilkis perſons, na lauchfull objection maid againſt them, ſuld be receiued, iworne, and admitted: And therefore are called *Iuratores. vid. Bona patria.* And gif they or ony ane of them be ſworne and receiued, the Iudge may continue the brieue to ane vther day, gif hee pleaſis, and as neceſſitie requiris: Vtherwaies the continuation thereof is nocht leaſum, without the conſente of the partie, after the claime is given in; And inquiſition taken in the cauſe, gif the perſones of inqueſt, being weill counſelled and adviſed, delivers and ſeruis *Negatiuè*, in fauoures of the defender, and findis the perſewer na waies neareſt and lauchfull aire to him quha dyed laſte Veſte, and ſaiſed in the Landes acclaimed: In that caſe, the defender dois bruike and joyis the poſſeſſion of the ſaide landes, and the perſewer is debarred and ſecluded therefra. Bot gif the aſſiſe delivers and ſervis *negatiuè*, as ſaide is, or *affirmatiuè*, in favours of the perſewer againſt the defender, conforme to the clayme in all poyntes: This their aunſwere to all and ſindrie the poyntes of the brieue, ſealed with all their ſeales, or of the maiſt parte of them, togidder with the ſeale of the Schireffe, or vther judge cloſed, and the brieue incloſed therein (to the effect the ſame may be conferred with the aunſwer) is ſente backe and retoured to the Chancellarie, conforme to the Kingis commaunde, conteined in the ende of the brieue. *Stat. Rob. 3. cap. 1.* Quhilk therefore is called ane retour. And it is to wit, that there is twa kindes of retoures or aunſwers, maid be the perſons of inqueſt, to this brieue, and retoured to the Chancellarie: The ane is generall, and the vther ſpeciall: The generall is, quhair na landes or tenementes are ſpeciallie acclamed or ſoucht be the perſewer of the brieue: Bot onelie it is deſired, that hee may be ſerved and retoured generallie, neareſt and lauchfull aire to his Predeceſſour: To the quhilk generall claime, ane generall retour is maid, be vertue quhairof, the ſaid generall aire, hes gude richt and title to all contractes, obligations, and reverſiones, and to moveable aire-ſchip gudes, quhilkis perteined to his predeceſſour, and were not diſcharged or diſponed before his deceaſe, in his liege pouſtie: And ſik-like, he may perſew and defend quhatſumeuer action competent to him, be deceaſe of his ſaide predeceſſour, to quhome hee is ſerued aire generall. 8. March. 1540. *Iames Scot*, contrair *Blair*. The ſpeciall aunſwere and retour is, quhen the perſewer of the brieue, claimes ſpeciall lands, & the perſons of inqueſt giues ane particular & ſpecial anſwer to ilk ſpecial poynt of the brieue. *lib. 4. c. ſtatuit Dominus 45.*

Ane aſſiſe is choſen.

Continuation of the brieue.

The claime ſerues negatiue.

Service affirmatiue.

Retour.

Twa kindes of retoures

Generall retour and aire.

Special retour

The

The quhilk is direct and ſent to the directour of the Chancellarie, to be tryed be him, gif the ſamin be conforme to the direction and ordour of the brieue in all poyntes. Here it is to be vnderſtand, that the landes conteined in the retour, ar halden immediatlie of our Soveraine Lorde the King, or of ony vther ſuperiour. Gif the landes be halden of the King in chiefe, the directour of the Chancellarie, commandis his Clerkes to direct ane precept, vnder the teſtimoniall of the great ſeale, called the quarter ſeale, in quhite Walx, to the Schireffe of the Schire, quhair in the landes lyis, commanding him to giue ſaiſing to the perſon retoured, or his Actournay, of the landes conteined in the retour: And to take ſecuritie of the mailles and dewties of the lands, ſa lang as they ar retoured, to haue bene in the handes of the King or his Predeceſſoures, be reaſon of warde, or none-entreſſe, quhairof ane memoriall is maid in ane buike called *Reſponde, vid. Reſponde.* Gif the landes retoured be halden of ane vther immediate ſuperiour then the King: The directour of the Chancellarie, directis ane precept, chargeing the ſuperiour to giue ſaiſing to the perſon retoured, of all and ſindrie the landes conteined in the retour: He doand to him therefore all quhilk is obliſhed to do be the Law; Quhilk precept, gif the ſuperiour diſſobeyis, beand required perſonallie, or at his dwelling place to obey the ſamin. And for verifying thereof, ane authenticke inſtrumente reported to the Chancellarie: Then the ſecond precept, called *Meminimus*, is direct to the ſaid ſuperiour, bearand in effect, that the King remembrand, that of before he gaue command to him to giue ſaiſing; quhilk command as zit is nocht obeyed, quhairof he mervailes; And therefore zit, as of before, chargis and commandis the ſaid ſuperiour, to giue ſaiſing to the perſon retoured, of the landes conteined in the retour. And gif ane vther authentick inſtrument be reported to the Chancellary, for verification of the ſuperiours diſobedience the ſecond time; The thrid precept, called *Furcha*, is direct, commanding him to giue the ſaid ſaiſing, or vtherwaies gif he diſobey, the King certifies him, that hee will direct his vther precept to the Schireffe to giue the ſamin. In the execution of all thir three precepts, it is not neceſſare, that the ſuperiour ſall be perſonally apprehended: But it is ſufficient gif he be ſa charged in the execution of any ane of them. The thrid precept and charge being likewaies diſobeyed, and the ſamin obedience lawfully verified, as ſaid is; ane precept is direct furth of the Chancellary, to the Schireffe and his deputes of the ſchire, within the quhilk the landes retoured lyis. Makand mention, that the King hes giuen commande be his vther letters, to N. Barron and his deputes, that he without delay ſuld giue ſaiſing to the perſon retoured, or his Actornay, of the landes conteined in the retour, quhilk gif he dois not, he commandis and chargis the Schireffe, to giue ſaiſing of the ſaids landes, with the pertinents, without delay, ſa and ilk mans richt. Quhilk precept being obeyed be the Schireffe, and ſaiſing given conforme theirto; the ſuperiour, who was three times charged of before and refuſed, be reaſon of his diſobedience, tynis and forefaultis the ſuperiority of the landes quhairof he refuſed to giue ſaiſing induring his life-time. quhilk ſuperiority, ſall perteine to his immediat ſuperiour, quhidder that be the King or ony vther. And after his de-

Of landes retoured, halden of ane vther ſuperiour

The ſecond precept.

The thrid precept

The fourth precept of the Schireffe.

deceaſe, his aire being ſerved and retoured to the ſuperioritie of the ſamin lands, recoueris the ſaid ſuperioritie quhilk his father did tine throw his diſobedience. And ſa be the law and practick of this realme, ane ſuperiour may tyne & forefault his ſuperioritie. Firſt, quhen he is entred & ſaiſed in the ſuperiority, & being charged be precepts of the Chãcellarie, refuſis to receiue his vaſſall and tennent, ſerved & retoured to the property. In the quhilk caſe be reaſon of his contempt & diſobedience of the Kings precepts and command, he tynis the ſuperiority, induring his life-time, without any declaratour, or decreit of ane judge. Secondly, quhen the ſuperiour is not entred nor ſaiſed in the ſuperioritie, and is charged be the Lordes letters, rayſed be his vaſſall, to enter within fourtie dayis thereto, to th'effect hee may enter to the propertie. The quhilk fourty dayis being by-paſt, at the inſtance of the vaſſall, hee may be decerned bee decreit of the Lordes of the Seſſion, to haue tynt his ſuperiority, and to ſatisfie the partie grieved. Iam. 3. p. 7. c. 57. And in baith the caſes foreſaid, the vaſſal or tennent, ſalbe entred and hald of the King, or the vther immediate ouer-lord, to him quha contempnandly diſobeyed. Laſt of all, concerning the giving of ſaiſing, conforme to brieues ſerved and retoured before Iudges, commiſſioners the forme & ordour of the Chancellary abone written, ſuld be keiped and obſerved, and gif the landes retoured be halden immediatly of the King: the precept of ſaiſing ſuld be direct to the Schireffe and his deputes. For the Lords Auditors of the Checker, ſtatute and ordained, 8. Auguſt. 1528. that in time comming, the Clerke of the Chancellarie, vpon the brieue ſerved be ane commiſſion, ſall direct the precept of ſaiſing, to the principall Schireffe of the Schire, and make the reſponſion vpon the Schireffes head, notwithſtanding the ſaide commiſſion, quhilk is ordained allanerly to haue effect, anent the ſerving of the brieue, and not anent the giving of the ſaiſing. And true it is, that all ſaiſings paſt vpon precepts of the chancellary, ſuld be given be the Schireffe-clerke, or his deputes, for the quhilk the Schireffe ſall aunſwer. Ia. 5. p. 6. c. 77. Mar. p. 6. c. 34.

Twa maners of tinſall of ſuperioritie.

Precepts of ſaiſing given conforme to retours be commiſſion.

BROCCARII, *In ſtatutis gildæ*, ſignifies brockers, mediatours, or interceſſours in onie tranſaction, paction, or contract. As in bying and ſelling, or in contracting of mariage. In the civil law they ar called *Proxenetæ. l. 1. &, tot. tit. de Proxenetis.*

BVLLION ane French word, *Bilon*, ſignifies vncunzied ſilver or gold quhairof ſilver or gold, is, or may be cunzied or ſtriken: ſik as *Balluca*, in Greeke χρυσαμμος *h. e. aurea arena, quæ ex terra effoditur lib. 1. de metallar. Lib. 11* In the Engliſh lawes it is called *Plate*. In the acts of Parliament of this realm, it is ſtatute and ordained: That merchands ſall bring hame Bullion, quhairanent the Lordes of the checker maid this ordinance At *Edinburgh* the 10. day of Ianuar. 1597. In the preſence of the Lordes of the Checker compeired perſonally, the Proveſt, Baillies and Theſaurar of Edinb. with certaine merchands their nichtbors, and gaue in their ſupplication, deſiring the A. B. C. of Bullion to be explained, and an ſolide order to be taken with the expreſſe quantitie of Bullion, quhilk they ſalbe aſtricted to pay preſently, and in all time hereafter. After conſideration quhairof, and conference had at

length with them, vpō the particularities concerning the ſaid matter of bullion. The ſaids lords of checker, with conſent of the ſaids Proveſts & baillies for them ſelves, & their remanent nichtbors, & merchands of this realm, hes ſtatute & ordained, that al merchands ſal inbring & pay in al time comming, for ilk laſt of hides, ſex ounces Bullion: For ilk laſt of Salmond, four ounce bullion: For ilk four hundreth claith, four ounce bullion: For ilk ſerplaith of wooll, foure ounce bullion. And for all vther wares & merchandice tranſported be them furth of this realme, for ilk ſerplaith of gudes, or ſo meikle as payis ane ſerplaith of fraucht: The ſaid Merchand ſall pay, foure ounces of bullion: And vntill mair perfite knawledge, be had of the juſt quantitie of the ſerplaith, ordainis twa tun fraucht, to be compted to the ſek: & twa ſek fraucht to the ſerplaith. And the ſaide Bullion to be in-brocht to the Cuinzie-houſe be the Merchandes: And payment to be maid to them for the ſamin, conforme to the acte of Parliament maid there-anent, vpon the nineteenth day of December, laſt by-paſt.

Ane A. B. C. *of the Bullion, ſet downe be the Lordes of Checker, for gudes tranſported furth of the Cuntrie: And declared be them, to be conforme to the acte of Parliament, and the act of Checker, abone ſpecified.*

The laſt of drinking beare	ij. ounce burnt ſilver	The tun of wine	i. ounce
The laſt of Wheate	iiij. ounce.	Ilk four hundreth of claith	iiij. ounces
The laſt of Beare	iij. ounce	Ilk teck of ſcheip-skinnes contein. 500.	ij. ounce
The laſt of Malt	iij ounce	The ſerplaith of lamb-skinnes con. 8000.	iiij. ounce
The laſt of Rye, and Rye meale,	ij. ounce.	The ſerp of cunning skinnes con. 16000.	iiij. ounce
The laſt of Killing, Codling and Ling.	ij. ounce.	Ilk ſerplaith of furſelles, con. 4000.	iiij. ounce
The laſt of Olie	ij. ounce	Ilk ſek of gaitskinnes, contein. 680.	ij. ounce
The laſt of Orkney butter	ij. ounce	Ilk three chalder of ſalt	j. ounce
The laſt of Herring	ij. ounce	Ilk hundreth of daiſles	j. ounce
The laſt of Salmond	iiij. ounce	Ilk laſt of Narvis talloun.	ij ounce
The laſt of Saipe.	ij. ounce	Ilk tunne of lead	j. ounce
The laſt of Aſſe.	ij. ounce	Ilk four chalder of coales.	j. ounce
The laſt of Pick and tarre	ij. ounce	Ilk three hundreth of drie fiſch	ij. ounce
The laſt of lint and hempe	ij. ounce	Ilk thouſand ling or killing in peill	vi. ounce
The laſt of Irone,	ij. ounce	For ilk four cradle of glaſſe	ij ounce
The laſt of Copper contening 14. ſchip pund.	ij. ounce	For ilk ſek of wooll contei. xxiiij. ſtanes	ij. ounce
The laſt of hart hides, dry hides, & ſalt hides.	vj. ounce	The laſt of wax, con. xxiij, ſchip. pund.	ij ounce

BVRLAW, *Byrlaw*. Laws of *Burlaw* ar maid & determined be conſent of neichtbors, elected and choſen be common conſent, in the courts called the *Byrlaw* courts. In the quhilk cognition is taken of complaintes, betuixt nichtbour & nichtbour. *lib. 4. c.* The quhilk men ſa choſen, as judges & arbitrators to the effect foreſaid, ar cōmonly called *Byrlaw* men. It is ane Dutch word, for *baur* or *baurſman* in Dutch, is *ruſticus*, ane husbandman. And ſa *byrlaw*, burlaw, or baurlaw, *leges ruſticorum*: Lawes maid be husbandmen, concerning nichtbour-heid to be keiped amangis themſelues.

C

CADROV, quherof mention is maid in the act of parliament, printed. *Ja. 2. 4. Au. 1454. c. 31.* wrangouſly for *cadzou*, becauſe furth of the barony of *cadzou*, an zeirly penſion or annuel-rent of 26. pund. 13. ſchil. 4. pen. was payed to the King in the checker, as it is manifeſt in the Schireffe rolles. *Iam. 2. 1456*

and

and likewaies in the Schireffe-rolles. Iam. 3. 1487. In the quhilk roll, the Barronnie of *Cadzou* is called *Hammiltoun*, and in diuerſe vthers rolles quhere it is commonly called the penſion of *Paſlay*.

CANVM, *Cana*, In ſindrie Charters and infeftments of lands, ſpecially halden of the Kirk, is commonly vſed, for the deuty and revenue quhilk is payed to the ſuperiour, or Lord of the lande, and ſpecially to Biſhops, or Kirk-men, quhidder it be quheat, beir, aites, or vther kinde of victuals, ſalt, or ſums of money, as is manifeſt. *vlt. Feb. 1509.* The King contrair the Laird of *Balmonth*. Zit neuertheles, the lands of *Kilconquhair*, lyand within the Schireffdom of Fyfe, ar retoured to be haldē be ſervice of ward & releue, payand ane certaine ſum of ſilver, *nomine cani*: to the Biſhop of S. *Andrewes*: quhilk to be weil done, I cannot affirme: For it is certaine, that al lands halden *nomine cani*, payis ane certaine ſum of ſilver, or ſome vther certaine duty, particularly expreſſed in the infeftment. Swa gif that maner of halding be like to the halding be ſervice of warde and relieue: of neceſſitie the ſamin mon be ane taxed warde, and during the time thereof, the tennent ſuld pay na mair but the particular ſums or duty conteined in his infeftment. *Canum*, appeiris to be ane Iriſch word, for *Keane* ſignifies the head, as King *Malcolme* Keanmoir, *grandis capite, vel capito*, great head: and likewaies *Kain* or *Chan*, is called tribute, payed be the ſervand, or ſubject to the Maiſter, as I haue red in ane auld authentick regiſter of the Biſhoprick of *Dunkeld*, quhair it is called *Chan* or *Chanum*. And amangis the *Romaines*, there was twa kindes of tribut: ane reall, quhilk was impute be reaſon of the quantity of the lands & guds immoveable, quhilk is called *iugatio, quod pro modo iugerum imponebatur. l. 9. C. de agricol & cenſit. lib. 11.* Ane vther perſon quhilk was injoyned to the perſon, and is called *capitatio, quod pro capite hominis præſtatur. d. l. 9. cum l. ſeq. & ibi gl. l. ſacroſanct. 8. C. de ſacro ſanct. Eccleſ. l. vlt. C. de annon. et tribut. l. 9.* And in the Evangel, *licetne dare cenſum Cæſari. Theod. Beza interpretis, licetne dare capitationem Cæſari. Aulus Gellius*, & vther Latin writers makis mention of them quha was taxed be the head or pow. In latin *capite cenſiti*. Sa this word *cane* ſignifies the head, or rather tribute or dewtie, as *Cane* fowles, *Cane* cheis, *Cane* aites, quhilk is paid be the tennent to the maiſter as ane duty of the land, ſpecially to kirk-men & prelats, quha in the time of their greatnes & ſupremacie, vſed ane forme & ſtyle, divers from vthers: & the auld forme of precepts, giuē in the time of K. R*obert* zit extant, anent the inbringing of the kings rents, conteinis *cenſum, Cana, reditus, cuſtumas*. And canage of woll or hides, is taken for the cuſtome theirof. *Leg. nauium fol. 171. in lib. M. Wilhelmi Skenæi, commiſſarij Sanctandreæ fratris mei germani.* Specially, quhilk is given for the mending & vphalding of the Hauen for Schips. *Leg. Burg. c. vlt. in Lib. Carbraith.*

CAMPIONES, ane word commonly vſed in ſingular battel: For in auld times, quhen controverſies and debates culd not be vtherwiſe decided, bot be ſingular battell: the parties did either fecht in proper perſon, or conduced, and fied for wage vthers to fecht for them: quha war called *campiones*, becauſe they faucht in *campo*, or in the fields, *de iudic. c. 93.* Albeit ſumtime they did fecht in the Kings place. *Lib. 4 c. ſtat. 38.* And ſumtime in the common ſtreites. *Quo. attach. c. apud Dumfreis, 59. ſtat. Alex. 2. apud 28.* from the

quhilk conſuetude cummis the common ſaying: **Do thou richt, do thou wrang, cheis thou a champion ſtrang**; for this is the law of Scotland. Becauſe in all actions and quarrels decided be champions in ſingular combat: That partie did win the cauſe, quhais champion was victorious, and he quhais champion was vanquiſhed & ouercum in battell, did tine his cauſe. *vid. Duellum, gladiatores*, or *duellatores*, ar forbidden *l. vnic. C. de gladiatoribus.*

CATALIA, ane French word, *Cattell*, as is commonly taken in the lawes of this Realme, for all gudes and geare moveable. *Lib. 2. c. cum quis 52. c. vſurarij, 53. c. 55. vbi res mobiles dicũtur catalla*: & likewiſe in the laws of *Normandie*, guds moveable, ſignifies al things, as poſſeſſions quhilks may be removed fra ane place to an vther, & commonly ar called cattel, as horſe, claith gold, ſilver, & vther ſik things *lib. 5. c. 1. lib. 8, c. 1.* Like as *hæreditas* or heritage ſignifies al lands & immoveable guds in the ſaid law of *Normandy. li. 8. c. 1.* And alſo in the lawes of this realme. *Lib. 2. c. 53. ſtat. gild. c. item quod quicunq; 19*, and *leg. burg. c. ſi contingat 104.* Gif ane burges deceaſe without ane teſtament, his aire, and his cattell ſalbe in the keiping of the kinſmen of the mother ſide, called *cognati.* And his heritage in the keiping of his kinſmen of the fathers ſide, called *agnati.*

The paine of him quha is convict in battel, or breaks the Kings protection.

CATHORIVS, *Catherius*, quhat it ſignifies, I cannot weill declair, alwaies it is equivalent to the valure of nine Kye. *Stat. Alex. c. apud. 28. Quo. attach. apud 59*, quhair it is ſtatute, that gif ony perſon beis convict in ſingular battel, or vtherwiſe of breaking of the K. protection or peace, he ſall giue to the k. *viginti duas vaccas, et tres catherios, vel pro quolibet catherio novẽ vaccas.* It is true, that *cantherius* in latin, ſignifies an gelded horſe: fra the quhilk cums the Latin proverb, *cantherius in foſſa*, againſt thẽ quha being vnable, & not qualified, ſeikis & cravis offices, quhairin they can do na mair ſervice nor a horſe or horſemã can do, being incloſed within ane fowſie: & ſiklik *cantherius in porta*, quhen ane horſe being led furth of the ſtable in the port, or in the beginning of his journey, ſnappers or fallis with his maiſter: The ſuperſtitious people eſteemed that to be ane evill preſage of the journey.

Cantherius

CARRVCATA *terræ*, ane French word, for *charrow* is ane pleuch, *aratrum*, and conteinis alſmeikle an portion or meaſure of Land, as may be tilled and laboured within zeir and daie be ane pleuch. *Lib. 2. c dos 19.* Vtherwaies in the ſamin place it is called *hilda terræ, vel hida terræ*, quhilk is ane word vſed in the auld *Briton* Lawes.

Hida terra

CARTA *extenſa*, or *extenta*, Ane chartour quhilk conteinis ane diſpoſition of landes, with certaine meithes and marches, vtherwaies called ane boundand chartour. *Quon. attach. c. Statuit dominus rex. 62. aſſ. reg. Da. c. ſtatuit per conſilium, 36. Stat. Wilh. c. 7.*

CAVPES, Calpes, in *Galloway* and *Carrict*, quhairof mention is maid in the Actes of Parliament. *Ia. 4. p. 2. c. 18. 19.* ſignifies ane gift, ſik as horſe, or vther thing, quhilk ane man in his awin life-time, & liege pouſtie giues to his Maiſter, or to onie vther man, that is greateſt in power and authoritie, and ſpeciallie to the head & chiefe of the clan, for his maintenance & protection, like as for the ſamin effect and cauſe, ſindrie perſons payis Black-maill to thieues, or mainteiners of thieues, contrair the laws of this realme. Bot in

the

the *Iles* and *Hie-lande* of this Realme, the *Calpes* are preſentlie payed be him quha obliſhis him therfore, after his deceaſe. Swa the *Herezelde* is payed be proviſion of the Law: and *Calpe* is given be ſpeciall paction and obligation, baith the ane and the vther, after the deceaſe of the debtor. Bot the *Herezelde* ſuld be firſt payed to the Landſ-lord. And ane notable oppreſſion is vſed in taking vp of the *Caupe*: For git the chiefe of the Clanne obliſhis him to pay ane *Calpe*: after his deceaſe, ane *Calpe* is payed for him. And alſo quhen onie of his clanne deceaſis, ane *Calpe* likewaies is payed for ilk ane of them, be reaſon of the promiſe maid be their maiſter and chiefe. *Perinde acſi obligatio facta per principem tribus, obligaret ſingulos ex tribu.*

CEPVM *animalium*, the taulch, creiſche or fatnes of beaſtes. *Leg. Burg. c. ſi quis ſcienter 71.*

CHAMPERT, ane bud, or gift, taken be ony greate man, or Iudge, fra ony perſon, for delay of juſt actions, or furthering of wrangeous actions: quhidder it be landes or onie gudes moveable. *Stat. 2. Rob. Br. c. dominus Rex. 22. Champert* in the Lawes of *England*, is quhen the Iudge be himſelfe directlie, or be onie vther indirectlie, mainteinis the pley, to obteine the maintenance of the ane partie againſt the vther; *Iohn Raſtell, ver. Champert*, In the civill law *pactum de quota litis*, is vnleſum and forbidden *l. 5. C. de poſtuland. l. ſi contra 22. C. mandati.*

CHARDONES *vel Cardones*, Cardes quhair with woll is carded & wrocht. *Leg. Burg. c. de parua cuſtuma 137.* fra the *French* word, *Chardon*, from *Cardus* ane thriſtill, to the quhilk the Cardes are like in ſcharpnes and in multitude, or ſimilitude of monie ſcharp pykes and teith.

CHAVD-MELLE, in Latine *Rixa*; ane hoat ſuddaine tuilzie, or debaite, quhilk is opponed as contrair to fore-thoucht-fellonie. Ia. 1. p. 6. c. 95. *vid Melletum. vid.* Fore-thoucht-fellonie.

CHECKER, and the forme of Comptes maid theirin. *vid Scaccarium vid. Ballivus.*

CLAN-MAKDVF *de Iudic. 78.* The croce of *Clan-makduffe* dividis *Stratherne* fra *Fife* abone the *Newburgh*, beſide *Lundoris*. The quhilk had priviledge and libertie of *Girth*; in ſik ſorte, that quhen ony man ſlayer, being within the ninth degree of Kin and bluid to *Mak-duffe*, ſum-time Earle of *Fife*, come to that croce, and gaue nine Kye & ane Colpindach, he was free of the ſlauchter committed be him. In the ſtanes of this Croce, I ſaw ſindrie barbarous words and verſes written, quhilk here willingly I pretermit, & zit ſum of them appearis to be conforme to this purpoſe; *Propter Makgidrim & hoc oblatum, Accipe ſmeleridem ſuper lampade limpida labrum.* King *Dauid* the ſecond, gaue and diſponed the Earledome of Fife, with all priviledges, *& cum lege quæ vocatur Clan makduff*, to *William Ramſay* & his aires, quhilk Charter is zit extant in the Regiſter. *Hector Boetius li. 12.* declaris three priviledges given to *Mak-duffe*, his clanne and familie. The firſt, that the Earle of Fife ſuld ſet vp the King in his Chyre, the time of his Coronation. The ſecond, that in the time of battell, he ſuld fecht the want-gard. The thrid, that *Makduffe* and his clanne ſuld haue the priviledge and richt of regalitie. And I ſaw ane auld evident bearand, that *Spens* of *Wormeſtoun*, beand of *Mak-duffis*

Kinne, injoyed the benefite and immunitie of this Law, for the ſlauchter of ane called *Kynnynmonth.*

CLAREMETHEN, Clarmathan, the Lawe of *Claremethen* concernis the warrandice of ſtollen cattell, or gudes: for quhen ſik gudes ar challenged or repeated be the juſt awners theirof: It is ſtatute and ordained, that all perſones, quha ſuld warrand the ſamin, ſall cum to certaine places, ſpecially nominat and appoynted to that effect, & lauchfully warrand the ſamin. *Lib. 1. c. hæc ſunt loca. 22. Stat. Alex. c. de Catallo. 12.*

CLARIFICATIO, *Quo. attach. c. ſi quis appellat. 46.* The purging or clenging of ane aſſiſe. *Aſſi. Reg. Da. c. 3. Clarificatio debiti*, the cleareneſſe of ane debte, quhilk is notour and cleare in the ſelfe. Or clearely and ſufficientlie proven and verified. *Leg. Foreſt. c. probato 86.*

CLEP, ane Call, ane forme of Clame, petition, or libell, or certaine ſolemne wordes vſed ſpeciallie in criminall cauſes. For ſum clames were conceaved ſimplie, without ony ſolemnitie of words, as in the brieue of diſtres, or poynding for debt. *Quon. attach. c. de breuibus 31.* vther clames were libelled and conceived in ane certaine ſolemne forme, as in pleyis of wrang and vnlaw, in the quhilk clepe, and call, was vſed as ane certaine ſolemnitie of wordes preſcrived be the Law, and obſerved in the practick, as quhen the perſewer did clep, and call, the defender with wouth, wrang, and vnlaw, in harming and skaithing of him of ſik ane thing, or of ſik ane ſumme of ſilver mair or leſſe, to his great harme and skaith.

COLPINDACH ane zoung beaſt, or Kow, of the age of an or twa zeires, quhilk now is called an *Cowdach*, or quoyach, quhairof the price was threttie poundes. *Leg. Mal. Mack. c. 4.* It is an *Iriſh* word, and properly ſignifies ane fuit-follower.

COLLISTRIDIVM, *Colliſtrigium, quod collum ſtringat*: quhilk may be called Ioggs, and is ordained for puniſhment of Baxters. *Leg. Burg. c. ſi aliquis. 21.* quhair it is called ane pillorie, or ſtocks, or onie band quhair with the craig or hals is bund, as ane halſe-fang. In the Lawes of England, Anno. *51. Henr. 3.* in Latine, *Numellæ.*

Numella.

CONQVESTVS, Quhairof frequent mention is maid in the lawes & practick of this realme, is different from heritage. Becauſe heritage ſignifies lands and immoveable guds, quhilk perteinis to ony perſon, as aire & vniverſal ſucceſſour to his father, or ony vther predeceſſour: & be the civil lawes, *Hæreditas nihil aliud eſt quàm ſucceſsio in vniverſum ius, quod defunctus habuit. l. hæreditas 26. de regul. iur. l. nihil. 24. de verb. ſignif.* And be the municipall law of this realme, the eldeſt ſonne ſucceedis, *Iure vniverſali in vniverſam hæreditatem patris ſui. lib 2. c. cum quis 29. Conqueſtus*, ſignifies Landes quhilk onie perſõ acquiris and poſſeſsis *privato iure, vel ſingulari titulo, veluti donatione, vel ſingulari aliquo contractu. lib 3. c. cum verò 28.* quhilk is conforme to the civill law, *vbi quæſtus dicitur lucrum, quod ex emptione, Venditione, locatione, conductione, vel generaliter ex opera cuius deſcendit. l. coiri 7. cum ſeq. ff. pro Socio. Et de iure huius regni, conqueſtus cuiuſlibet liberi hominis legitimi, qui moritur de ipſo ſaſitus hæreditariè, ſine hærede de corpore ſuo, gradatim aſcendit: hæreditas verò gradatim deſcendit. Stat. Wilh. c. notandum 24. leg. Burg. c. ſciendum 155. Stat. Rob.*

Heretage.

Rob.3.c.3.vid.Poſt natus. And it is to be obſerued, that gif conqueſts lands, after the deceaſe of the Conquerour, dois anis aſcende to ony perſon, quha theirafter happenis to deceaſe, the ſamin landes ſall deſcend as heretage to his narreſt aire, becauſe conqueſt dois allanerlie anis aſcend, and thereafter perpetually deſcendis to the righteous aire, gif ony be: *Quia conqueſtus dicitur ratione primi conqueſtoris, & cum tranſmittitur ad eius hæredem, exuit naturam conqueſtus, & induit naturam hæreditatis.*

CORONER, Crowner inquires be ane inqueſt anent murther and ſlaughter, done and committed quietlie. The quhilk inquiſition ſuld be taken in the hie ſtreetes. Or in open places, in *corona populi*, for the quhilk cauſe he is called *coronator*: or zit becauſe the violent death of the ſubjects perteins to the Kings Crowne and power. Quhairanent the Crowner takis inquiſition, as ſaid is. *D. Thomas Smith Lib. 2.c.23.* of the common weil of England, Reade the Engliſh lawes. *Anno 4. Edw.1.c.2.*

CREFFER A, or *hara porcorum*, ane cruife, or ane ſwines cruif. *Leg. Burg.c. Non licet.87.* quhilk in ſum auld buikes is called ane *Stye.*

CRO, Croy, in the actes of Parliament. Iam.1 p.2.c.63. is ane ſatisfaction or aſſithment for ſlauchter of ony man, The quhilk the judge ſuld paie to the narreſt of his kin, incaſe he miniſter not the law as he ſuld doe. Iam.1. p.6.c.89.

COLRACH, ſumtimes is called ane furth-cumand-borgh, bot mair properly it may be called ane back-borgh, or cautioner. For quhen ony havand power or juriſdictiõ repledgis ony man fra an vther mans court, to his awin court, he ſuld leif behind him in the court, fra the quhilk the replegiation is maid, ane pledge or cautioner quha ſalbe bundin & obliſhed, that he quha vſis the replegiatiõ, ſal do juſtice within zeir & daie in his awin court, to the partie cõplainand, vpon the perſon quha is repleged. Quhilk cautioner left in the court be him, & behind him quha vſis the replegiation, is called *Culrach.lib.4.c.ſi quis in alterius 20. Quo.attach.c.3.mod.ten.cur.c.12.de Iud. c.28.* And gif the partie complainand gettis na reaſon in that court, to the quhilk the defender is borrowed & repledged, he ſall haue regres againe to the firſt courte, fra the quhilk the replegiation was maid, and their ſall the mute and pley be ended, and the Culrach ſalbe in ane vnlaw, gif the partie perſewed compeiris not, and he quha vſed the replegiation, and did not Iuſtice, ſall tine his court for zeire and daie.

CVRIA ane Courte, quhairof ſum are ſuperiour and ſum inferiour. *Leg.Malc.Mak.c.4.vide Amerciamentum.* The ſupreme court is the parliamẽt, quhilk hes juriſdictiõ of all matters eccleſiaſtical, civil, & criminal. Al courts byand attour the ordinar perſons of the judge, the perſewer & the defender ſuld haue certaine vther perſons & members, quhilks ar called *claues curiæ*, the keies of the court, that is, ane lauchful officiar or ſeriand, quha ſuld ſummond, attach, & arreiſt the parties. Ane lauchfull Clerk quha ſuld informe the aſſiſe, and the dempſter, & hes the cure & keiping of the proces. Ane ſutour quha wardis & pronounces the waird, & interlocutour of the Courte. Ane dempſter or doomeſter quha gives the doome or ſentence definitive. conforme to the information of the Clerke or the Iudge. *Claves curiæ*

CVRIA *chriſtianitatis lib.2.c.debet autem.37.lib.1.c.placitum,17.* Is called the Eccleſiaſticall juriſdiction or court, vtherwaies, *Forum Eccleſiaſticum.lib. 1.c.5.Curia Chriſtianitatis opponitur laicali ſeu ſæculari, lib.2.c. cum aliquis 59.lib. 3.c.præterea,23.* For vnto the ane perteinis the Eccleſiaſticall, and to the vther the Temporall or ſecular juriſdiction.

CVRIALITAS, curialitie, curteſie, from the French *Curtoiſe*, civilitie, gentleneſſe, humanitie: For the law of curteſie, is ane gentle and fauorable ordinance or conſtitution, granted and obſerved in this realme, and not vniverſallie keiped, or vſed in vther Cuntries; And therefore it is called *Curialitas Scotiæ*, the curteſie of *Scotland*. And in the Lawes of *England*, *lex Anglia*, or the curteſie of *England*; within the quhilk twa Realmes, and nane vther, this law is in vſe: That is, quhen ony man maries lauchfullie ane wife, and receivis lande and heritage with her: And it happen that he beget with her ane bairne, quha being borne, is heard cryand betuixt foure walles of ane houſe; And thereafter his wife deceaſis before him, he ſall bruike and poſſeſſe all the landes quhilks perteined to her, induring his life-time, albeit the bairne liue or deceaſe. *Lib.2.c.cum itaque 58.* The bairne borne, being ſon or dauchter, mail or femaill *de Iudic.c.Maritagiũ.127.* Quhilk law hes place in landes and heretage, lyand without burgh, halden of the King or ony vther ſuperiour: And alſo in landes and tenements lyand within burgh, and halden in free burgage. *Leg.Burg.c.ſi aliquis 44.* This Law is not introduced in favours of the wife or bairnes, bot is maid in favours of the husband allanerlie. And therefore it is not neceſſar that he haue onie ſaiſing, infeftment, or vther richt to the landes, quhilk perteined to his wife heretablie: Bot only the benefite and priviledge of the curteſie, quhilk is valiable and ſufficient to him induring his life-time, for bruiking and poſſeſſing of the landes, and for remooveing, out-putting, and inputting of tennentes, in ſik maner, as gif he were proprietar, life-rentar, tackſ-man, or rentaller. And mair over, the Law of the curteſie is extended in favour of the ſecond huſband. And therefore, gif ane man maries ane heretrix, and after his deceaſe, ſhee marie ane ſecond huſbande, and beare to him ane ſonne, or ane dauchter, and thereafter ſhe deceaſes, her ſecond huſband aucht and ſuld bruik and & joyis the priviledge of the curteſie, in ſik maner, as gif the firſt husband micht haue done, in-caſe his wife had deceaſed before him. *lib. 2.dic.cap.58. de Iudic.Cap.127.* As concerning the eſtaite and qualitie of the woman that is maried, it is neceſſar that ſhe be heretablie infeft and ſaiſed in the lands as aire to her father or vther her predeceſſours. Bot it is not neceſſarly required, that ſhe be ane Virgine & maiden; becauſe the curteſie perteinis to the ſecond husband, quha maries ane Widdow, as ſaid is. Alwaies, quhidder the wife be Widdow, the time of her ſecond mariage, or Virgine and maiden, the time of her firſt mariage, neceſſarly ſhe ſuld be ane heretrix, aire, or vniverſall ſucceſſor to her Father, Mother, or to ſum vther of her predeceſſours: For gif the wife hes onely richt and title to the landes and heretage, as ſingular ſucceſſour, be vertue of onie contract, *veluti titulo emptionis*; Her husband after her deceaſe can never claime richt to the landes, induring his life-time, be the curteſie of Scotland. 28. Ian. 1595. *Robert Lundie* of *Balgony:*

The Bairne.

The husband

The Wife.

gony: contrair *Robert Balfoure* of *Dovane*. The curteſie hes not place quhen na bairne is borne in lauchfull mariage; for it is neceſſar that ane bairne be borne maill or femaill, quick and liueand: And for probation theirof, hee mon be heard cryand, for the curteſie hes place *in puero clamante*, (or as it is written in ſum buikes) *brayand*, ſqueiland, or loudlie cryand. For in French, *brayar*, in the Latine *vagire*, is to crie or greite with ane loud voyce. Quhilk word in our language, is alſo attributed to Horſe, Hartes, and vther beaſtes. And gif controverſie ariſe anent the life or crying of the bairne, it is leaſum to the Father to pruife the ſamin be twa lauchfull men or wemen, quha heard the bairne *clamare, plorare, vagire ſeu brayare. Leg. Burg. d. cap. 44.* The husbande, Father to the Bairne, ſall bruik the curteſie after the death of his wife, albeit the bairne being borne quick, happen to deceaſe immediatelie, or ſhortly after his nativitie. Or albeit the bairne and the Mother baith departe this life; For ſuppoſe the bairne happen to deceaſe before his Mother, and ſhe deceaſe thereafter, or albeit baith the bairne and the Mother deceaſe at ane time, or zit gif the bairne livis, and the Mother before the husband departe foorth of this life, the husband ſurvivand after her death, ſall bruike the priviledge of the curteſie of all Landes, quhairin his wife was heretablie infeft: 9. Iul. 1597. *Martha* and *Eupheme Mackalzenes*, contrair Maiſter *Iames Warde-law* Advocate. Swa the ſubſtantial heads of the curteſie are thir following: quhairof gif onie ane failzie, the curteſie ceaſis. Firſt is required ane lauchfull mariage betuixt man and wife. Secondly, the wife ſuld be ane heretrix, havand *ius vniverſale*, quhairbe ſhe ſucceedis to her Father, Mother, or ſome vther her forbears. Thirdly; She ſuld be heretablie infeft and ſaiſed in the Landes. For gif ſhe deceaſe, not beand entered and ſaiſed, her husband ſuld haue na courteſie. Fourthly, Shee ſuld deceaſe before her husband, for ſa lang as ſhe and the husband livis, he hes *ius mariti*. And after her deceaſe, he hes *ius curialitatis*. Fiftlie, Bairnes ſuld be lauchfullie gotten and borne, at the leaſt ane bairne, maill or femaill, quick and livand. Laſt of al, the curteſie is als effectuall to the husband, tuiching waird landes, perteining to his wife, as the Kingis confirmation. For landes halden of the King in chiefe, and confirmed be him, fallis nocht in wairde, induring the life-time of the perſon to quhom the confirmation is granted. He being thereby immediat tennent to the King. And likewaies, gif onie man maries ane heretrix of Waird-landes, and after her deceaſe her aire is *Minor*, and of leſſe age: Nevertheleſſe, the Landes fallis not in the ſuperiours handes, be reaſon of warde. Bot the husband ſuld bruike and poſſeſſe the ſamin, induring his life-time, be reaſon of the curteſie of this Realme. Becauſe the richt of the waird perteining to the ſuperiour, ceaſis quhair the curteſie belangand to the husband hes place. *Penult. Februar. 1553. George Gorthie*, contrair the Lorde *Methven*. And zit the husbande being onelie life-rentare may nocht ſell or anailie heretablie the ſaides Landes, or onie parte thereof, in hurte and prejudice of the richteous aire. *Leg. Burg. c. 44.*

The Bairne.

The ſubſtantiall heads of the curteſie.

DIS-

D

Clamare

DISCLAMATION is vſed in the law, and practick of this Realme, *Clamare idem eſt quod dicere, affirmare*: As *clamare aliquod tenementum, aut aliquam terram eſſe ſuam*, to claime and affirme onie heretage or landes to his awin. *Clamare aliquem dominum*, to claime, avow, and affirme ony man to be his maiſter or ſuperiour, to quhom he aucht ſervice, & of quhom he haldis his lands in chief. *Diſclamare* is to diſclaime, diſavow or deny, as to deny ane vther to be his ſuperiour; as quhen the ſuperiour affirmis the landes to be halden of him, and the vaſſall denies the ſamin: In the quhilk caſe, gif the contrair be found of veritie, the vaſſal tines and amittis all the Lands quhilk he haldis of that ſuperiour, and the propertie thereof returnis to the ſuperiour, *de maritag. c. 18. Stat. Rob. 3. c. primo 20.* Quhair the auld forme and maner of diſclamation is declared. Mairouer, diſclamation is quhen the perſewer claimes landes perteinand to him, and haldin of an ſuperiour: and the defendour affirmis the ſamin to be halden of ane vther over-lord. *Lib. 1. c. ſolet. 26. Lib. 3. c. tali. 18.* To the deciſion of the quhilk controverſie, baith the ſaids alleadged over-lordes ſuld be called. And he quha failzies to proove himſelfe ſuperiour, ſall neuer be heard to claime the ſamin afterward, & the vaſſall being convict, tynis the land and propertie thereof, quhilk is adjudged to him, quha was wrangouſlie denied be the ſuperiour, and is found to haue richt theirto. *Lib. 1. c. ſi verò 28.* Laſt, the vaſſall tynis and forefaultes his landes, gif he wrangouſlie denies his few, or the condition thereof, that is, the ſervice aucht therefore, conforme to the French proverbe, *Qui fief denie, fief pert.* The reaſon is, becauſe the vaſſall denyand his halding, his maiſter or landes, contemnis and diſhonours his maiſter. Bot it is neceſſar that the vaſſall or tennent denie fraudfully, that is, wittingly, *Quia vaſſallus feudum quod ſciens abnegavit, amittit: ignoranti verò ſubvenitur. Quòd ſi dubitat, dubitanter reſpondere poteſt. Cuiacius. l. 4. de feud. tit. 8. & tit. 21. & tit. 39. de pœna negantis feud.*

Diſclamare

1

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3

DISRATIONARE, from the French worde *Diſrener*. In Latine *Duellare, Duello contendere*, to ficht in ſingular battell, and commonly is vnderſtand of the appealer, or perſewer, *Quia cum vadiatur duellum provocans dat vadium diſrationandi, & defendens vadium defendendi.* Sũtime *diſrationare* is mair generally taken, for to tine ony thing in judgement be forme of proces, concord or aggrieance. *Lib. 3. c. cum itaque 14. lib. 2. c. fieri autem 67. Quon. attach. c. 4.* Item it ſignifies to prooue onie thing conforme to the conſideration of the Court be battell, writ, or be ane aſſiſe of the cuntrie. *L. 1. c. ſi verò 18. c. ſi verò Dominus 29. Iter camer. cap. apparens 24.* Or be the aith of the partie, & certaine conjuratours quhilks ar called *Sacramentales*, quha ſumtime maa, and ſumtime fewer in number makis faith & ſwearis in ony cauſe with ane partie havand entres in perſute or defence. *Cuia. lib. 1. de feud.* And in the Lawes of this realme, *Dicitur aliquis Iurare cum tertia, ſeptima, duodecima manu.* Quhen three, ſeaven, or twelfe perſons ſwearis with him, quhilk in the Canon Law is called *Purgatio Canonica.*

Sacramentales

DISSASINA, *Saſina* is ane French word, and ſignifies poſſeſſion, to the quhilk *Diſſaſina* is contrare, & ſignifies diſpoſſeſſion, quhair ane perſon beand

beand in poſſeſſion of onie Landes, as mailler to his maiſter, or havand onie vther title thereto in writ, is wrangouſlie ejected and put fra the ſamin, with out ony warning or ordour of Law. Like-wiſe *Diſſaſina* is called ſpuilzie, quhen ony perſon is ſpuilzied violently & wrangeouſly of moveable guds and geare, perteining to him, as his awin proper gudes; and being in his poſſeſſion certaine daies or monethes. For ejection concernis Lands and gudes inmoveable: And ſpuilzie is of cattell and guds moveable. And baith the ane and the vther is comprehended vnder *Diſſaſina. aſſ. reg. David. cap. Statutum fuit. 31.* Quhilk is conforme to the Engliſh Lawes. *Henri. 3. Stat. de Mertoun. c. 3.* And to the lawes of France. *Molinæus in ſtyl. cur. Parl. part. 5. c. 18.* And be the auld Lawe of this Realme, *Diſſaſitor*, or committer of ſpuilzie or ejection, being convict thereof, ſuld pay ane vnlaw of ten pounds to the King. *Stat. Alex. c. Stat. 7.* And may be accuſed criminallie before the Iuſtice and his deputes. Ia. 1. p. 4. c. 33.

Ejection. Spuilzie

DISPARAGIVM, like as *parage* is called equalitite, from the Latine word *Paritas:* Swa *diſparagium* is called inequalitie in bluid, honour, dignitie, or vther waies, from the word *diſparitas. leg. Foreſt. c. de hæred. 64. cum ſeq.*

DISSOLVTION, ane Latin worde, quhilk ſignifies lowſing of that thing quhilk was bound of before: & like as lowſing is contrair to binding; ſwa diſſolution is contrair to annexation, ſpecially in the kings property annexed & vnited to the crown. For the ſamin being diſſolved is maid lowſe, & free of that nature & quality, that it may be annalied & diſponed to ſik as pleaſis his Hienes, with certaine conditions & proviſions Diſſolution of the propertie is maid to the effect the ſamin may be ſauld and annalied be the King, & therefore can not be lauchfully maid in his minority. Ia. 6. p. 14. c. 203. For like as the king being *Minor* may not ſel his property: even ſa at that time, it is not leſum to him to do ony thing that may be ane preparatiue to the alienation theirof. And likewiſe, gif ony man have and heritable infeftment or vther richt to ony part of the kings annexed propertie, for the crime of treaſon is forefalted: and theirafter be the three Eſtaites in Parliament, is reſtored in the minoritie and leſſe age of ane King. Albeit this reſtitution may rehable his perſon: Zit is na ſufficient richt to repone or reſtore him againe to his richt of the ſaid annexed propertie. For like as ane diſſolution maid in the Kingis minoritie is null: Even ſwa, ane reſtitution maid in his leſſe age, concerning his annexed propertie, is of nane availl: for the diſſolution, and reſtitution are baith of ane nature, and producis ane effect, hurtfull and prejudiciall to the King, *in Regiſtro*, 18. Iulij. 1597. The Kingis Advocate contrair *Alexander, Lord Hume*, and tennents of *Dumbar*. And ſa it is manifeſt that ane diſſolution of the annexed propertie, ſuld bee maid be ane King in his majoritie, in ane Parliament, with conſent of the three Eſtaites. Iam. 6. p. 15. c. 233. Bot an annexation may be maid in Parliament in the Kingis minoritie, *Quia rex eodem modo quo quælibet minor conditionem ſuam poteſt meliorem facere.* It is leaſum to the King after the diſſolution, to ſet his proper lands annexed, or vnannexed in few-ferme to onie of his lieges, and ſpeciallie to the kindly tennentes and poſſeſſoures thereof, as he pleaſis. Diſſolution induris onely for the lifetime of the King, maker and author theirof.

The King in his minoritie, may not diſſolue his property.

Quhen & be quhom diſſolution ſuld be maid.

To quhom may the king ſet his propertie.

Diſſolution is temporall.

theirof, and quhen he deceaſis, the ſame ceaſis and endis. And therefore the ſamin beand temporall, and perſonal, his aires and ſucceſſours may not ſet onie annexed landes in few ferme, be vertue of onie diſſolution, maid be his Father or predeceſſour. Albeit diſſolution be temporall, as ſaid is, zit the lands ſet & diſponed heretablie after the diſſolution, remainis perpetuallie with them & their aires, to quhom they ar diſponed, after the forme of the conditions, conteined in their infeftments. And ſwa the alienation & diſpoſition lauchfully maid, is perpetual, *& tranſitoria ad hæredes*, albeit the diſſolution be Temporall & perſonal, as ſaid is. The diſſolution expyrand & ceaſand, be the deceaſe of the author thereof, as ſaid is; All the lands annexed of before, returnis againe to the forme & nature of the annexation: Sa that the ſame may not be ſet in few-ferme, nor annalied be the King, ſucceedand to him, quha maid the diſſolution, vntill ane new lauchful diſſolution bee maid thereof be him ſelfe: In reſpect that all annexations of their awin nature ar perpetuall; and albeit, they may be interrupted & ſtayed, for ane certaine ſpace, be ane diſſolution; zit after the end thereof, the annexation dois quicken, reviue, & walken as it were out of ſleepe, & returnis to the awin perpetuall nature, and ſwa remainis vntill ane new diſſolution be maid.

Diſpoſition of lands diſſolved, is perpetuall.

The diſſolution being expired, the annexation begins to quicken, and revive.

The King, after ane diſſolution, may ſet his lands in few-ferme allanerly, and not in blench, or *nomine albæ firmæ*, nor be ſervice of warde & reliefe, or vtherwaies, bot in few-ferme, as ſaid is. Iam. 6. parlia. 15. cap. 234.

The King may ſet his propertie in few-ferme allanerlie.

The King may not ſet his landes in few-ferme, except the ſamin be done with expreſſe augmentation of his rentall: That is, his greſſumes, cuſtomes, burrow-mailles, termes, martes, mutton, pultrie, avarage, cariage, or onie vther dewties & ſervice: Quhilk is not only manifeſt in the alienation of the annexed propertie: Bot likewiſe ſuld be obſerved & keiped in the diſpoſition of the vn-annexed propertie. For it is certaine, that the Kings of this Realme, the time of their Coronation, makis faith ſolemnely, that they ſall not annalie, transfer, nor diſpone the richt & rents of the Crown: As it is ſtatute be *David 2. 6.* Nov. 1357. And ſa as the King may not ſel the richt of the Crowne, na mair may he annalie the rents thereof, quhairof the vn-annexed propertie is ane parte. Mairover, albeit ane diſſolution is not neceſſar in the alienation of the vnannexed propertie (becauſe that quhilk is not bounde, requiris na lowſing) zit in all diſſolutions maid be Kings of this Realme, expreſſe mention is maid baith of the annexed & vnannexed propertie, to be ſet in few-ferme, for augmentation of the Kings rental, quhairby it is certaine, that the ane, aſwell as the vther, being ſet in few-ferme, cannot be diſponed in diminution of the rentall. And concerning that quality & condition, expreemed in the forme of all diſſolutiones; the vnannexed, & annexed propertie ar of like nature: *Et in hoc caſu pari iure cenſentur*: Sa that neither the ane, nor the vther, may be diſponed with diminution of the rentall, vtherwiſe the mention of the vnannexed propertie, in the acts maid anent diſſolution, were ſuperfluous. Thir ar the ſubſtantiall conditions, expreemed in the diſſolutiones of the propertie, maid be the Kinges of this Realme, quhairof, gif ony ane be not obſerved, the alienation & diſpoſition maid after the diſſolution, is null and of nane availe. Iam. 6. p. 15. c. 236. By & attour,

The Kings rentall of the property, baith vnannexed & annexed, ſuld be augmented.

attour, the forme of diſſolution abone expreemed; It is leaſum to the King, with adviſe, deliverance, & decreet of the haill Parliament, and for greate, ſeand and reaſonable cauſes concerning the weill fare of the Realme: Firſt adviſed and digeſtlie conſiddered be the three Eſtaites; To ſell, annalie, and diſpone the Kingis annexed propertie. Iam. 2. p. 11. c 41. Iam. 5. p. 6. c. 84.

DOS hes twa ſignifications, Firſt it ſignifies that quhilk is given to the husband with the wife, be reaſon & in contemplation of mariage. In the civill law is called *Dos*, in our municipal law, *Maritagium*, Tocher gud. *Lib. 2. c Dos autem 19.* Secondly, *Dos* is taken for that gift & diſpoſition of lands and tenements, quhilk ane man givis to his wife, quhen he maries her at the kirk dure, or in the face of the halie Kirk: Quhilk aucht & ſuld be ane reaſonable thrid part of all & haill the tenement of land, quhilk the man or husbande hes the time of the deſponſation or mariage. *li. 2. c. Dos autem. 19 c. 20. li. 4. c. 4 49. Stat. Alex. c. 8. de Iudic. 163.* And is given in recompenſation of the tocher, payed be her, or in her name, to her husband: And therefore is called *antidos*: *Cornel. Tacit.* callis *Dos* that quhilk the husband giues to the wife, & not that quhilk the wife giues to the husband. *Livius lib. 3.* callis it, *munus nuptiale.* In France it is called *Dotalitium* or *Doarium*. It is given to the woman, to the effect that after the deceaſe of her husband, ſhe may ſuſteine and nuriſh her ſelfe, induring all the dayes of her life-time: Therefore it is called *Vitalitia. Morganaticum* from the Dutch worde *Morgengab*, morning-gift, is ane kinde of dowrie, in the ſecond ſignification, and ſignifies the gift of gudes moveable or immoveable, quhilk the husband giues to the wife, the day or morning after the mariage, & commonly is vſed in the Dutch lawes, *in ſpeculo Saxonico*, & *Landrecht*, *in* Greek ὑποβολον, in Latine *matutinale donum. Cuiacius lib. 4. defeud.*

Maritagium

Antidos

Dotaliticium Doarium Vit alitia Morganaticum

DVELLVM, *Duorum bellum vel plurium*, ſingular battel or combat: *vide Campiones*, Noble perſons, or landed men, may fight in proper perſon, or be vthers in their name, quha ar called *Campiones*, in Latine, *Duellatores*, Speciallie, ſik as ar their awin bondmen or tennents, quha in body & guds ar vnder their maiſters protection & maintenance: And therefore ſuld hazard & employ the ſamin in the defenſe of their maiſters honour and actions. Bot husband-men, ignoble, and vnlanded-men, ſuld fight perſonally, & not be *Campiones. Aſſ. Reg. cap. Statutum fuit per legem. 32.* Bot all men that ar decreeped, lamed, mutilat, or paſſed the age of threeſcore zeires, are excuſed from ſingular battell. *Leg. 4. c. 4 leg. Burg c. Si burgenſis 24.* And ſik-like, religious perſones, clerkes and weemen may not be compelled to fight. *Lib. 4. c. 3. ſtat. Alex. c. 5. Aſſ. reg. Dav. c. ſtatuit dominus 38.* It is in free will and election of the defender, to fight, or paſſe to the knawledge of ane Aſſiſe. *lib. 4. c. 2. Quia defendens debet primò eligere, deinde vadiare, & poſteà iurare. lib. 4. c. lex ſtatuit 46.* The appealer or prover, ſuld ſweare that his quarrell is juſt, and the defender ſweare the contrair, avowand the equitie of his cauſe. *Iter camer c. Comparentibus 29.* It is not leaſum to onie perſon to provoke ane vther to battell, or being provoked to feght without licence of the King, vtherwaies, baith the appealer and the defender tinis and forefaltis all their guds

moveable and immoveable. *de Iudic.c.87.* Becauſe na Barrone hes power of ſingular battell, or of probation be water or Irone; except the Kings Schireffe, or his deputes, be preſent to ſee juſtice done. *Stat. Alex. c. præterea. 32.* Mair-over, gif ony man havand the Kingis licence, happenis to be convict be battel, or of breaking of the Kings peace, he ſal pay to the King xxij. Ky *& tres cathorios, vel pro quolibet cathorio, novem vaccas. Stat. Alex. c. apud. 28.* Quhilk paine and vnlaw, appearis to be ordained, to ſtay ſik vngodly ſtriſe and debate; for the law of ſingular combat is vngodlie, and ſuld not be vſed amang Chriſtianes, albeit the ſame was permitted and vſed be the *Longobardes*, in civill and criminall cauſes. *Alciat. de ſing. certam: Cuiac. in Lib. feudorum.* Quhilk is conforme to the Canon law. *cap. 1. 2. de purgat. vulgar.*

DYOVR, Dyvour, vtherwaies Bair-man, quha being involved and drowned in debtes, and not able to pay or ſatisfie the ſame: For eſchewing of priſon and vther paines, makis ceſſion and aſſignation of al his gudes and geare, in favours of his creditoures: And dois his devour and dewtie to them, proclamand himſelfe Bair-man, and indigent, and becummand debt-bound to them, of all that he hes. *Leg. Burg. ca.* Bairman. 144. In Latine, *Cedere bonis*, quhilk is moſt commonly vſed amongſt merchandes, to make *Bank-rout*, *Bankrupt*, or *Bankrompue*: Becauſe the doer thereof, as it were, breakis his banke, ſtall, or ſeate, quhair he vſed his traffique of before. *De Iudic. c. Bairman 46.* Be the civill law, ſik ceſſion of guds and geare may be maid judicially, or forth of judgement, be him quha is preſent, or abſent, be writ or epiſtle, or be ane mid-perſon, called *Nuntius l. vlt de ceſſ. bonor.* Bot to the effect that debtours ſuld be feared to deceiue their creditours, and ſuld the mair willingly paye their debtes, in ſindrie places, diverſe ſhamefull formes of dyuourie, ar vſed and obſerved: for ſum-time the debtour naked, ſittis vpon ane cauld ſtane, in preſence of the people. *Alciatus lib. 3. Parerg. c. 47.* Sumtimes his hinder partes, or hippes ar daſhed to ane ſtane. *Guido Papæ deciſ. 343.* Or in publick place, bair-headed, his Belt is cutted, quhairby he is proclaimed indigent of geare and credite: And therefore may paſſe and repaſſe quhair hee pleaſis, without onie trouble of his Creditoures. *Iuxta illud Horatij, Epiſtola ſecunda. Ibit eò quò vis, qui zonam perdidit.*

Cedere bonis

Conforme to the quhilk, in this realme, he is ſaid to haue his belt cutted, *Zonam perdere*, quha hes na gold, ſilver, guds nor geare. For in auld times, like as it is zit vſed in diverſe places, ilk man caryed his Silver and his Gold in his belt, either in ane purſe hanging at the ende thereof, or ſewed and incloſed within the ſamin. *Sueton. in Vitellio cap. 16. Quia zona aureorum plena ſe circumdedit. Et Gracchus apud Gellium. Lib. 15. cap. 12. Zonas (inquit) quas plenas argenti extuli, eas ex provincia inanes retuli.* And in the Evangell of Saint Matthew, Chapter 10. 9. CHRIST commandis his Apoſtles nocht to poſſeſſe Golde, Silver, or Money in their Girdles. Mairover, the forme of the aith quhilk be the Lawes of this Realme, the Dyvour ſuld make, conteinis that he ſall ſweare, that he hes nocht in free geare, aboue fiue ſhillinges, four pennies: Fra the quhilk cummis ane commoun ſpeach daily vſed amangſt puir & indigent perſons, quha hes not in guds nor geare, the valure of fiue ſhillings & ane Plack. In the law of *Normandy. li. 2. c. 10. li. 12. c. 21.*

Dy-

Dyvoures ar called *Banquerouterís*. And gif they doe the ſamin fraudfully, they may be puniſhed to the death.

E

ENACH. *Lib. 4. c. ſtatuit dominus 64.* Ane mendis or ſatisfaction for ane fault, crime, or treſpaſſe. As gif the maiſter lyis with the wife of his bondman or ſlaue: The ſervand therefore ſalbe put to libertie, & ſall receiue na vther *Enach*, mendis, or ſatisfactiõ for the violation or defowling of his wife. *Lib. 2. c. pluribus 14.* Like as vtherwaies, *ſi vaſſallus Cucurbitaverit dominum ſuum.* That is, gif the vaſſall makis his maiſter ane Cuckold: That is, gif he hes carnall copulation with his maiſters wife, he tinis & forefaltis his landis. *Lib. 1. de Feud. Tit. quib. mod. Feudum amittatur, §. 2. Corbita* in the Lawes of the *Longobardes*, is Adulterie: And *Cucurbita* ſignifies ane Cuckold, quhais wife is ane huire: quha vtherwaies is called *arga. Gl. in D. §. 2.* From the Grecke αργος *deſidioſus, otioſus*, quha ſittis idle, and payis not his debt, bot ſuffers ane vther to woork his labour. *Alciatus in lib. de ſingulari certam. c 32. & in lib. problematum, Horatium ſequutus Cucullum vocat.* *Corbita Cucurbita Arga* αργος

ENCHESONE, the cauſe, occaſion, or reaſon, quhairof ony thing is done: as quhen we ſay, that ane is condemned for Encheſon of thieft: That is, be occaſion or be reaſon of thieft, committed be him. *Mod. ten. cur. c. 21.* Or that the vaſſal is in the keiping of his Ouerlord, be Encheſon of ward. *Quon. attach. c. 51.* And ane action or pley, may be advocate fra the Schireffe courts to the Kingis court, for mony cauſes. *Lib. 2. c. Dos autem 19.* Quhilk in ſindry Engliſh buikes, is ſaid for mony Encheſons. And *Ed. 1.* King of England. *Weſtm. 1. c. 6.* Statutis and ordainis, that na man ſalbe ane merchand, without ane reaſonable Encheſone.

ENEYA, *Pars hæreditatis*, ane French word: for the firſt, chiefe, and principall parte of the heritage. *Leg. Foreſt. c. ſi Hæreditas 96.* For in the *French* tongue, and ſpeciallie in the Law of *Normandie*, the eldeſt and firſt begotten ſonne, is called *l'aiſne.* And in the Lawes of England. *Hen. 3. in ſtat. Marlebrig. c. 9.* It is called *Enitia pars hæreditatis.* And likewiſe in ane vther place of the ſamin King, *Ius eſnicia*, quhilk in this Realme is the law of birth-richt: In Latine, *Ius primo-genitura, de quo Tiraquellus copioſè ſcripſit.* Be the auld civill law of this realme, there is na richt of ſucceſſion in the richt line aſcendent. And therefore the father ſucceedis not as aire to his ſonne, except ſpeciall proviſion be maid in the contrair. *Quia proviſio hominis tollit proviſionem legis. Et pacta conventa, legem contrahentibus præſcribunt.* Swa all ſucceſſion, is either in the richt line deſcendent, or in the line collaterall. *De iure ſucceſſionis.*

De linea recta deſcendentium.

THey quhaar of the richt line deſcendent, ſuld be preferred to all vthers: As the ſonne, the dauchter, the Nepuoy, the Neipce, & ſa deſcendand *in infinitum*; obſervand & keipand alwaies the prerogatiue of the degree. For the *Prior* degree, excludis the *poſterior* from al commoditie & title of ſucceſſion. As the ſon in the firſt degree, excludis the nepuoy in the ſecond, & the Nepuoy excludis the pronepuoy in the thrid degree.

De filio Gif ony man havand lands & heretage deceaſis, leavand ane ſon allanerly behind him, without al diſtinction, the ſon ſucceedis to all & haill the heretage, quhilks in Latine, *ſuccedere in aſſem, vel ex aſſe. lib. 2. c. cum quis 29.*

De filijs Gif ony man deceaſis, and leavis behind him maa ſonnes nor ane, either he is *ſuccommanus*, & haldis not his lands be ſervice of warde: & then his heretage is divided amangſt al his ſons: or he is *Miles*, & halds his lands *per ſervitium militare*, be ſervice of ward and reliefe. In the quhilk caſe, the eldeſt ſon ſucceedis in the hail lands; quhilk heretably perteined to his father. *Lib. 2. c. Si quis plures 30.* Bot this diſtinction is not obſerved be the practicque of this realme. Be the quhilk the eldeſt ſon ſucceedis to his father, *ex aſſe*, that is, to all and haill his fathers heretage & lands; Albeit, ſindrie vther Nations hes diverſe lawes here-anent: Like as be the Law of God, in the auld Teſtament, amangſt the Iewes, the firſt borne ſon, after the deceaſe of his father, receivis double portion. *Deut. 21. 17.* That is (as ſome interpretis) als meikle as twa of his brether. *Ioſephus de Antiq. Iud. li. 4. c. 8.* writtis that the eldeſt ſon, be reaſon of his birth-richt, ſuld haue *duplicem facultatum paternarum partem*, the double part of his fathers guds.

De filijs de verſarum Eurum. Gif ane man had diverſe wiues, quhairof ane is ane heretrix, havand lands perteinand to her heretablie, and hes procreat vpon ilk ane of them bairnes, maill or femaill; the ſonne gotten vpon her, ſucceedis to her heritage. *lib. 2. Si autem. 31.* For as generally the ſon ſucceedis to the father; Swa in this caſe, the ſonne ſuld ſucceed to his mother. *Leg. Foreſt. c. Si quis habuerit 26. de Iudic. c. 24.* Conforme to the common rule of the law, *Paterna paternis, materna maternis.*

De filia vel filiabus ex eodem vel alio matrimonio Quhen ony man deceaſis, leavand ane ſon, & dauchters ane or maa; The ſonne allanerlie ſucceedis to all his fathers heretage. *Li. 2. c. Maritus 32.* As gif ane man hes procreat with his firſt wife, dauchter, ane, or maa, and after her deceaſe, begettis ane ſon, vpon ane vther wife, the ſonne only ſucceedis to him. *Leg. Foreſt. c. Si quis habuerit 26.* Becauſe the ſonne borne of the firſt, ſecond, or laſt wife, ſucceedis as vniverſall aire to his father, and excludis all his ſiſters. *De iudic. c. Item nota. 115.* As it is written in ſome buikes, *Fœmina non ſuccedit cum maſculo.*

De filia Failzieing ſonnes & bairnes, lauchfully gotten of their bodies, the dauchter ſucceeds. For gif the defunct hes ane dauchter allanerly, ſhe ſuld ſucceed to all her Fathers heritage, in the forme & maner, as the ſonne ſucceedis to his father. *De iudic. c. Item nota. 115. Lib. 2. c Haredum 28.*

De filiabus ITEM, Gif ane man deceaſis, leavand behinde him maa dauchters nor ane, gotten vpon ane mother, his heritage ſuld be divided equally amangſt them, in als mony partes or portiones, as there is dauchters to ſucceede: Quhilk forme of ſucceſſion, is called, *ſucceſſio in capita, cum ſcilicet hæreditas adeunda, dividitur in tot partes quot ſunt capita, vel perſonæ ſuccedentes.* Bot the eldeſt dauchter, ſuld haue the principall meſſuage, without diviſion, be reaſon of her dignitie and birth-richt, and ſatisfaction therefore ſuld be maid to the remanent dauchters. *lib. 2. c. Si autem 31. De Iudic. c. Item Nota 115.* Togidder with the ſuperiority of the portions, perteining to all her zounger ſiſters, to quhom their husbands ſuld mak homage, acknawledging her to be

Succeſſio in capita

their

their ſuperiour, and their aires ſuld giue the relieue of their lands, quhen it ſall happen. *Lib. 2. c. Maritus. 32.*

De filiabus diuerſarum vxorum.

Gif ane man haue ſindrie wiues, and of ilk wife, ane or maa dauchters: Al his dauchters ſucceedis to him in his heritage equallie *Per capita*, as gif they were all gotten vpon ane Mother. *Libr. 2. c. porrò contingit. 33.*

Item, Gif maa douchters nor ane, ar procreat vpon ſindrie wiues, of the quhilk wiues, ane is ane heretrix: Swa that the heretage cummis be her, & not be her husband: The dauchter, or dauchters gotten vpon her, ſucceedis to her heritage, and excludis all the reſt of the dauchters theirfra. *Leg. Foreſt. c. Si quis habuerit 26. De Iud. c. 24.*

De liberis burgenſium ex diuerſis vxoribus.

Be the Laws of the Burrowes, gif ane Burgeſſe haue maa wiues nor ane, and bairnes procreat of ilk ane of them: All the lands perteining to him, be reaſon of heretage or conqueſt, in the time of his firſt wife, ſuld pertcine to the bairne gotten with her in the firſt mariage: And all the landes conqueſt be him, the time of his ſecond wife, ſall perteine to the bairne gotten with her, in the ſecond mariage. *Leg. burg. c. Si Burgenſis. 26.*

De ſecundo gradu nepotum vel neptium.

Failzieng ſonnes and dauchters, quhilks ar neareſt and lauchfull aires, the richt of ſucceſſion perteinis to the *Nepuoy* or *Neipce*, gotten vpon the Sonne or the dauchter. *Quia deficientibus proximioribus hæredibus, nempe filio, vel filia, vocantur hæredes remotiores, vt Nepos vel Neptis ex filio, vel filia, recta linea deſcendens. l. 2. c. Hæredum. 28.*

De nepote vno vel pluribus ex filio.

Gif ony man deceaſis, leavand behinde him ane *Nepuoy* or *Nepuoyes*, ane or maa, procreat be his ſon alreadie deceaſed. (*Ex filio præmortuo*) they ſuld ſucceid to him in the ſamin maner, as is abone ſaid, of the ſucceſſion of ſons: That is, gif there be ane *Nepuoy* allanerly, he is onely vniverſall ſucceſſour: And gif there be maa *Nepuoyes*, the eldeſt allanerlie ſucceedis to all. *Lib. 2. c. Porrò 33.*

De nepote & filio.

Gif ony man deceaſis, leauand behinde him ane *Nepuoy*, begotten be his eldeſt ſonne, already deceaſed, and ane ſecond ſonne, quha is father brother to the ſaid *Nepuoy*: The ſecond ſonne is excluded from all richt and commoditie of ſucceſſion to his Father. Becauſe the *Nepuoy* lauchfully gotten be the eldeſt ſonne, repreſentis the perſon of his father, & therefore *Iure repræſentationis* ſucceedis in his fathers richt: and conſequently, is onely aire to his Gud-ſchir: like as his father wauld haue bene, gif he had not deceaſed before him. *Lib. 2. c. Porrò 33.*

De nepote & filia.

The like is to be vnderſtood of ane *Neipce*, or *Neipces*, ane or maa, begotten be the eldeſt ſonne alreadie deceaſed, quha ſuld be preferred to their father brother, anent the ſucceſſion of their Gud-ſchirs heritage: Except ſpeciall proviſion of tailzie be maid in favours of the aires maill: *Quo caſu hæredes maſculi ſuccedunt, non diſpoſitione iuris, ſed ex proviſione hominis.*

ITEM, Ane *Neipce* or maa, of ane ſonne or dauchter, ſucceedis to their Gud-ſchir or Guddame, in the ſamin maner as their Father or mother ſuld haue done, gif they were zit living. *Lib. 2. c. Porrò 33.* And in this caſe it is to obſerved, that quhen maa *Nepces* nor ane, borne of ſindrie Mothers ſucceedis, that the heritage ſuld be divided *ratione ſtirpis*, in as mony partes, as there is ſtockes, of quhom the ſaids *Neipces* deſcendis and proceedis: As for

example,gif there be ane Neipce begotten vpon ane dauchter,& twa Neipces begotten vpon ane vther dauchter, they all three ſuld ſucceed to their Gud-ſchir;but the heritage ſuld not be divided in three partes, *ratione capitum*, bot in twa partes allanerly, *ratione ſtirpium*: That is, of the twa ſiſters quhilks ar the twa ſtockes, of quhom the ſaids Neipces deſcendis: And ſwa the ane Neipce, gotten vpon the ane ſiſter, ſuld haue the ane halfe, and the vther twa, the vther halfe allanerlie of the heritage: Quhilk forme of ſucceſſion is called *ſucceſſio in ſtirpes*, quhen the bairnes being maa in number, ſucceedis to als meikle allanerlie, as wauld haue perteined to their mother, gif ſhe had bene living.

De nepte vna vel pluribus. Succeſſio in ſtirpe.

De linea obliqua collateralium.

QVHEN The ſucceſſion failzies in the richt line deſcendent, then they quha ar of the ſide line,or collateral ſuld ſucceed, as quhen the ſonnes and dauchters, and all perſones deſcendand of them lineallie,failzies: Swa that there is nane of them to ſucceed: Then the Brother of him quha is deceaſed,ſuld ſucceed to him. *Lib.2.c. Deficientibus.34. Illi enim qui ex linea recta deſcendunt ſemper præferuntur illis qui ex tranſverſa linea proveniunt, & illis deficientibus,hi ad ſucceſſionem admitti debent.lib.2.c.Porrò 33.*

De fratribus

The heretage, and the air-ſchip of all moveable gudes, perteining to the eldeſt brother,deceaſed without lauchful aires of his bodie,perteinis to the ſecond brother, immediatlie neareſt to him, *Quia hæreditas gradatim deſcendit ad immediatè proximum. Lib.2.c. Si ergo 23.c. Præterea 25. Leg. Burg.c. ſciendum.150.*

De fratre natu maximo

Gif there be three brether german, borne of ane father and ane mother; & the ſecond brother deceaſis without aires,procreat lauchfullie of his bodie: his elder brother ſucceedis to him in his lands & immoveable gude: & the yonger or thrid brother is alluterly excluded therefra. *Quia conqueſtus gradatim aſcendit.lib.4.c.Si tres 50.lib.2.c.Præterea.25.* Bot be the practicque of this realme, the air-ſchip of the moveable gudes, perteining to the ſecond brother,the time of his deceaſe,deſcendis & perteinis to the yonger & thrid brother,as lauchfull aire: To quhom likewiſe perteinis the lauchful tutorie of the ſaid ſecond brothers ſonne, quhen it ſall happen to fall.

De fratre natu minore

Gif there be maa brether nor ane, three,or maa in number, & the youngeſt of all happen to deceaſe without lauchfull aires,gotten of his body, his immediat elder brother ſucceedis to him as lauchful aire; becauſe conqueſt aſcendis fra ane degree to ane vther, immediatly to the firſt degree. *Stat.Ro. 3.c.3.ſtat.Wilh.c.Notandum.24.*

De fratre natu minimo.

Failziand the brether, and their aires, gotten of their bodies,the Siſter, or ſiſters,gif there be maa nor ane, ſucceedis *in Capita*,to their brother,in the ſamin maner,as the dauchters ſucceedis to their father. *Lib.2.c. deficientibus 34.de Iudic.c.Si quis 24.*

De ſororibus.

Gif the brother deceaſis without aires gotten of his bodie, his ful ſiſter gotten with him be ane father,and of ane mother(quhilk is called *ſoror germana ex eodem vtroque parente*) ſuccedis to all his heritage, and excludis all vther ſiſters, gif ony be gotten be his father, vpon ane vther wife,quhilk in Latine is called *ſoror conſanguinea, Lib.4.c.Si homo 48.*

De ſororibus ex diverſis matribus

After

After the deceaſe of the ſiſters, their bairnes ſucceedis *in ſtirpes*, in the ſamin maner, as their mothers micht haue done, keipand alwaies the diſtinction betuixt the maill and femaill, be the quhilk the ſiſter ſonne excludis the ſiſters dauchter. *Lib. 2. c. deficientibus 34. de iudic. c. Si quis 24. Quia (vt dictum eſt) mulier nunquam cum maſculo partem capit in hæreditate aliqua.* *De ſororum liberis*

Failzieing the ſiſters bairnes, and the aires gotten of their bodies, The father brother (*Avunculus, hoc eſt patruus*) And his bairnes deſcendand of him, ſucceedis. *Lib. 2. c. Deficientibus 34. de Iudic. c. Si quis 24.* *De patruo eiuſque liberis*

Failzieing the father brother, and the aires lauchfullie gotten of his bodie: The father ſiſter (*Matertera, hoc eſt Amita*) and her bairnes ſuld ſucceede conforme to the foreſaid diſtinction, betuixt maill and femaill. *Lib. 2. c. Deficientibus. 34. de Iudic. c. Si quis 24.* Be the quhilk diſtinction, the father ſiſters ſonne, excludis the fathers ſiſter dauchter. *De amita eiuſque liberis*

It is to be diligently obſerved, quhen maa perſons nor ane (ſik as mony ſiſters or Neipces) ſucceedis, & it happen ony ane of them to deceaſe without aires lauchfullie gotten of their awin bodies: the portion and part of the heretage quhilk perteined to the defunct, accreſcis to all them that remainis on life, and ſuld be divided amangis them all. *Lib. 2. c. Maritus. 32. de Iudic. c. Item nota. 115.* *De iure accreſcendi*

Laſt of all, gif ony man gotten and borne in lauchfull mariage, deceaſis without ane lauchfull aire, and it cannot be knawin quha ſuld ſucceede to him. Or gif it be in queſtion or doubt, quha is the richteous aire: Be the auld law of this realme, the King, or ony vther ſuperiour, reteined the lands in his awin handes, vntil the pley was ended, in favours of the juſt aire: Or vntill it was knawin, quha was the lauchfull aire. *Lib. 2. c. vlt. 53.* Bot now, gif there be na lauchful aire, to enter to the heritage: the King, as *vltimus hæres*, recognoſcis, & reteinis the ſamin as eſcheit, *ad perpetuam remanentiam*, & may ſell and diſpone thereupon at his pleaſure, as his awin proper landes and heritage. *vide Baſtardus.*

ERECTARE *Eſſonia ab aliquo facta*, to reckon, eſteeme, or judge Eſſonzies or excuſations maid be ony perſon. *Quon. attach. c. de brevibus 31.*

ESSONIVM, ane Eſſoinzie or excuſation. *lib. 1. c. 10.* Iam, 2. 13. Octo. p. 11. c. 55. Ia. 1. p. 9. c. 114. From the French word *Exoine*, quhairof mention is maid in the Lawes of *Normandy. lib. 9. c. 10.* And be *Molinæus in Styl. ſuprem. cur. parl. 1. c. 6. de contumacia.* And be D. *Tho. Smith. lib. 2. c. 14.* of the common weill of England.

ESTOVERIVM, *Iter Camer. c. Si quis captus 25. de Iudic. c. 156.* Suſtentation, Nuriſhment: for the ſuperiour, during the time of the ward, ſuld ſuſteine the aire honorablie, conforme to the quantitie of the heretage. Lib. 2. c. *Plenam* 42, Iam. 4. p. 3. c. 25. Quhilk is conforme to the Engliſh Lawe in *Magna Carta*, Quhair it is ſtatute, that the wardar ſall giue the aire his reaſonable Eſtouuerie, An. 9, Hen, 3, c, 12, Quhair alſo it is written, that the relict of onie man, ſall haue her reaſonable *eſtouerium*, of the commoun guds of her husband that is deceaſed, vntill her dowrie be payed to her. *Vid. Quarentena viduarum.*

EVE *Et Treve, dicuntur natiui de avo & triavo, quorum maiores ſervitutem*

ſervierunt: That is, ſik ſlaues or ſervandes, quhais father, gud-ſchir, grand-ſchir, and forbeares, hes bene ſervandes to ony man, and his predeceſſours. *Quon.attach.Ca.de brevibus 31.vid.Bondag.*

EXITVS *Terræ*, The rentes, fruites, and profites of the land. *Lib.1.c. Si quis liberum 24.lib.3.c.cum autem 6.Quon.attach.c.ſecus 28.leg. Foreſt.c. Probata 87. Exitus iuſtitiariæ*: The profite or commodities of the juſtice aire. *Iter iuſtic.c.3.4. Exitus curiæ*, the commoditie and profite of the court, ſik as vnlawes & ſummes of money, payed be them quha ar amerciat, or convict of ony crime, or comes in will therefore, as it is maniteſt be the forme of the precept, direct be the Chalmerlane to the Schireffe, to take vp, and intromet with *exitus camerariæ*, or the profites of the Chalmerlaine aire. *Exitus hæreditatis, de actorn.c.1.* Is called the fruites, rents, profites, and emoluments of the heretage, quhilk in the Engliſh law is called the iſſues of the heritage. *Mag.Cart.An.51.Hen.3.c.17.* And ſiklike, *Exitus tenementi*, ſignifies the mailes and dewties thereof. *Quon.attach.c.Secus.29.Mod.ten.cur.c.30.*

EXTENT of landes, ſignifies the rents; profites, & iſſues of the ſamin, quhairof there is twa kindes, The auld extent, and the new extent; For it appearis, that the rentall & valour of lands, hes bin taxed and liquidat to ane certaine ſum of ſilver, conforme to the profites & dewties, quhilk the lands payed at that time; quhilk is called the auld & firſt extent, *tempore pacis*. Bot becauſe the revenues & dewties of lands be progreſſe of time, did increaſe and grow mair and mair: ane vther taxation & extent was maid in the time of peace, as the former extent, conforme to the profites augmented, as ſaide is; quhilk therefore is called the new or ſecond extent: And properly is the verie availe that the land is worth, and givis the day of ſerving of the brieue, Ia.3.p.7.c.55. To the quhilk, the worde *Nunc*, conteined in the brieue & retour, ſuld be referred. For *tempore belli*, or in time of weire, there is na ordinar or certaine extent of lands, preſcrived be ony law: For in ſik time, either the lands ar waſt, and are not laboured, or the landes-lordes ſervis in proper perſone: And it is na reaſon, that they ſuld baith make perſonall ſervice, and alſo pay extent or taxation. The Lordes of the Seſſion eſteeme ane marke land, of auld extent, to foure mark land of new extent. *21.Mart.1541.* Quhilk commonly is called, the fourth maill, and ſuld be generallie vſed in retouring of landes to the Kings Chancellary, and vthers Chappelles: Albeit the ſamin is not perpetuallie obſerved. This diſtinction of the auld extent, and new extent, is neceſſar: For taxation of landes ar rayſed, conforme to the auld extent, and the reliefe of lands, is the retoured maill, according to the new extent. And ſik-like, quhen the lands ar fallen in the ſuperiours hands, bereaſon of none-entreſſe, he ſuld haue allanerlie, the retoured mail thereof, conforme to the new extent. *vide* None-entres.

F

FALSING Of doomes, Reduction of decreetes. *vid.Sock.*

FARANDMAN. *De Iudic.c.47.* Ane ſtranger or Pilgrimer, to quhom juſtice ſuld be done with al expedition, that his peregrination be not ſtayed

ſtayed or ſtopped. *Peregrini mercatores, dicuntur Farandman. Lib. 4. c. 39. in lib. Sconenſi.*

FELONIA, ſignifies not onely the falſed, or the contumacie of the vaſſall toward his over-lord, or of the over-lord towarde his vaſſall. Bot alſo all and quhatſumeuer capitall crime, in Latine, *ſcelus*, in Dutch, *Schelmerie*, or ony vther fault or treſpaſſe. *Iter Camer. c. Si quis captus 25. Stat. Alex. c. 2. c. Vltim. 54.* As to hurt or aſſailzie ony man, with ſword, either edge or vre. Iam. 1. p. 6. c. 97. Or ony leſſe or private crime, as ſuſpition of thieft, or quhatſumever fraud, deceate, commonly vſed in contractes, pactions, and vther conventions. *lib. 3. c. ex cauſa 8. in fine. Cuia lib. 1. de feud.* Writtis that felony is not only rebellion, bot alſo perfidie, fraud, or ony kinde of fault. *perfidia, fraus culpa, improbitas.*

FEODVM, *Feudum*, ſignifies not (as ſome affirmis) life-rent, in Latine, *vſus fructus*. For he that is ſaiſed in the life-rent of landes, is not vnderſtand to be ſaiſed *in feodo*, or in the fee thereof; For the ane is different from the vther. 7. Mart. 1561. The Counteſſe of *Crawfurd*, contrair the Earle of *Crawfurd*. And ſik-like, *Feodum* ſignifies nocht the ſuperioritie of landes: For gif ony maried man happenis to deceaſe, veſt, and ſaiſed in the ſuperioritie of landes, his wife ſuld not haue ane terce, or thrid thereof. Bot *Feodum* commonlie ſignifies the heretable fee, and propertie of ony thing, and ſpeciallie of landes, as is commonly conteined in the brieues and retoures, *Cum aliquis dicitur obijſſe ſaiſitus & veſtitus, in terris, vt de feodo. Lib. 3. c. Cum verò 28. c. ſequens 33. Stat. Rob. 3. c. 1.* Of the quhilk landes, the juſt thrid, and reaſonable terce, will perteine to the wife, fra the time of her husbandes deceaſe, induring her life time *vid. Quarentena viduæ. Dominus feodi* or *feudi*, Is called the Lorde of the ground or land. *lib. 2. c. Vſurarij 53.* quhair *feodum & hæreditas*, ar baith ane. *Et hæreditas damnati propter crimen, dicitur pertinere ad dominum feodi, tanquam eſcheta. Item, ſi quis condemnatus fuerit de furto res eius mobiles, & catalla ſolent vicecomiti remanere: Terram autem ſi quam habuerit, dominus feudi habebit. lib. 2. c. Forisfactum 55.* He is called vtherwiſe, *Dominus fundi lib. 2. c. Defuncto 69. Et feudum idem eſt quod fundus. lib. 2. c. Mutua 68.* And *Actio feudi*, is ane action or pley of landes or heritage. *lib. 1. c. 2. Feodum militare*, ſignifies landes halden be ſervice of warde and reliefe: *lib. 2. c. Maritagium. 56. Feudum laicale*, Is landes perteining to Laïcks and Temporall men. *lib. 2. c. 59.* As *feodum Eccleſiaſticum*, ſignifies landes perteining to the Kirk, or Kirk-men *lib. 3. c. ſequitur 31. Cum ſeqq.* Swa be the laws of this realme, al guds and geare ar moveable, and called *Catalla*. Or immoveable, and ar called *feodum, hæreditas, terra, fundus, tenementum*. Fee or propertie, in Latine, *dominiũ* cannot perteine to maa perſons nor ane. *Quia dominium vnius rei vno eodemque tempore non poteſt eſſe in ſolidum penes plures.* And therefore, gif twa or maa perſones happenis to be infeft, conjunctlie in ony Landes, the propertie perteinis to him in quhais aires and ſucceſſoures, the infeftment reſoluis. As for example, The husbande and the wife are infeft in certaine Landes, the langeſt liver of them twa, and the aires gotten, or to be gotten betuixt them, quhilk failzieing his aires: In this caſe the husband is proprietar, and the wife is conjunct-fear, or liferentar. Bot gif it be ſaid (quhilks failzieing to

her

her aires.) In that caſe the wife is proprietar, and the husband is conjunct feare, or life rentar.

Feodum, is taken for the fee, wage, or ſtipend, given to ane ſervand for his ſervice, as in the Lawes of King *Mal. Mak. c. 4. de feod. offic. dom. reg.* quhilk vtherwaies is called *liberatio*, ane livery. *vid. Liberatio.* Quhair anent the Lords of ſecreit councel & checker, maid thir ordinances, as followes.

At Edinburgh *the thrid of* Iune. *1597.*

FOr ſameikle as the Lordes of his Majeſties ſecreit Councell & Checker, according to the ſpeciall power and commiſſion, given to them be his Hieneſſe and his eſtaites, quhilks conveened at *Dundie*, in the Moneth of *Maij* laſt by paſt: Hes thoucht meete and convenient to ſet downe the prices of his Majeſties ſignet, privie and great ſeales, of all infeftments, & vther ſignatures, quhilks ordinarly ſuld paſſe throw them: And of the Chalmer fees, quhilks ſall be received hereafter, fra his Hieneſſe lieges, in maner following: That is to ſay, That the ſignet, according to the auncient cuſtome, ſalbe the rule to the privie & great ſeales, in all infeftments, and vthers ſignatures, quhilks ordinarlie ſuld paſſe throw the hail three. And that the privie ſeale, ſall receiue na mair, nor the double of the price, ſet downe hereafter: For the ſignet, nor the great ſeale, mair nor the quadruple of the ſaid ſignets price, vnder the paine of deprivation of the contraveeners, fra the office and ſeale, quhilk he poſſeſſis.

Prices of the ſeales

Prices ſet downe to the ſignet, for letters and vthers writtes, quhilks paſſis throw na vther ſeale.

FIrſt, of all ſortes of ſummonds of quhat-ſum-ever qualitie.——————vj ſhillinges, viij. pennies.

For letters conteining, baith inhibition, and arreiſtment.—xj. ſhill. viij. pen.

For letters of law-borrowes, and vther criminall letters, how mony perſons ſoever be inſert.——————vj. ſhilling. viij. pen.

For Miniſters letters zeirly rayſed.——————vj ſhilling. viij. pen.

For all letters of horning of quhatſumever qualitie, except letters of Law-borrowes, and criminall letters.——————xxj. ſhilling. viij. pennies.

For ane relaxation.——————vj. ſhillings. viij. pen.

And gif maa nor ane be inſert, the like price of everie perſone to be relaxed, or compoſition for them, at the diſcretion of the keiper of the ſignet.

Prices ſet downe to the ſignet, for ſignatoures paſſing the privie and great ſeales.

FOr ane Legitimation.——————vj. ſhillinges. viij. pennies

For ſignatoures of infeftmentes of landes, within fiue marke land of auld extent——————vj. ſhilling. viij. pennies

For ane remiſſion to ane perſon onely.——————vj. ſhilling. viij. pennies.

And gif it be to maa nor ane, als mony halfe markes, as they ar perſones, or compoſition therefore, at the diſcretion of the keiper of the ſignet.

For ane infeftment of ane fiue make land of auld extent.——xiij. ſhill. iiij. d.

And

And for ſa mony maa marke landes, as the ſignatour conteinis proportionallie: Providing that quhat ever be the extent of the landes, the ſamin not being ſtyled ane barronnie in the infeftment, the hicheſt price for the ſignet, ſall not exceed——————————l. ſhillinges.

For ane or maa barronnies of land conteined in the ſignatour, quhilks ar not vnite in ane Earledome nor Lordſhip, for the haill ſignatour iij. punds

For halfe ane barronnie, ſwa ſtyled in the ſignatour——xxx. ſhillings.

For ane Earledome, or ane Lord-ſchip of dignitie, having vote in Parliament, including never ſa monie Barronnies.——————vj. pounds

For ane compriſing, quhilk exceedis not ane thouſand marks. vj. ſhil. viij. p

And gif the ſame exceed that ſum, to pay proportionally, providing that the heicheſt price exceed not——————————l. ſhillings.

For ane Biſhopprick, Abbacie, or Priorie, exceeding ane thouſand punds of zeirly rent to the poſſeſſour——————————vj. poundes.

Being within ane thouſand poundes.——————————l. ſhillinges.

Nathing to be tane for reſervations of life-rents, conteined in the ſignatoures: In reſpect the reſervation is na newe benefite to the receaver, except quhair the reſigner is a baſtard. In the quhilk caſe, reſpecting his Majeſties prejudice be the reſignation: quha vtherwaies might ſucceed to the lands reſigned, be the preſent poſſeſſours deceaſe, without lauchfull aires: ſik reſervations ſall paye according to the prices before ſet downe for the lands reſigned, comptand alwaies, the man and wife to be ane perſon. Reſervations.

Nathing to be tane hereafter for onie tailzies, except the foreſaid price, according to the quantitie of the Land reſigned, in reſpect the fear may alter his tailzie at his pleaſure, except quhair the Fear that reſignes the lands is Baſtarde. In quhilk caſe, the like price may be tane for euery perſon conteined in the tailzie, as is ſet downe for the quantitie of the Lande reſigned. Tailzies.

For infeftmentes conteining patronages of benefices neuer before diſponed, nor annexed to thay landes of new infeftments of heretable offices. The land is to paye according to the quantitie and rate, before ſet downe, & the patronage, gif it be of ane onely benefice, the ane halfe of the duety of the landes. Gif they be maa, to pay the ſaid haill price of the landes for the ſaidis patronages. Quhilk price, the keeper of the ſignet ſall not exceed. Siklike for new and heritable offices. Benefices. Offices.

PRICES SET DOWNE TO HIS HIENES PRIVIE ſeale, to be tane hereafter, of ſik giftes and vther ſignatoures *quhilk paſsis the ſaid ſeale allanerly.*

For eſcheits of zeemen, and vther meane perſons.——xx. ſhillings.

For eſcheits of landed Gentlemen and ſubſtantious burgeſſes--xxx. ſhil.

For eſcheits of Baronnes.——————————xl. ſhillinges.

For eſcheittes of Earles and Lordes.——————iij. poundes.

For their life-rents, *reſpectiuè*——dowble price.

For preſentations to Vicarages——————xx. ſhillings.

For preſentations to perſonages.——————l. ſhillings.

For

For reſpettes to zeamen men, and vther meane perſons——xxx. ſhillings.
For reſpettes to landed gentlemen, and ſubſtantious burgeſſes— xl. ſhillings.
For reſpettes to Barronnes.——iij. poundes.
For reſpettes to Earles and Lordes——v. poundes.
And gif there be maa perſones conteined in the ſignature, to pay *per capita*, according to their rankes.
For the wardes and mariages, non-entreſſes and relieues of landed men, vnder Barronnes, included in ane ſignatour.——iij. poundes.
For the wardes, mariages, none-entreſſes and relieves of Barronnes. vj. pun.
For the like of Earles and Lordes.——x. poundes.
For the warde allane of Gentlemen——xxx ſhillin.
Of Barronnes——iij. poundes.
Of Earles and Lordes——v. poundes.
For the mariage allane of ſimple Gentlemen.——xxx. ſhillinges.
Of Barronnes.——iij. poundes.
Of Earles and Lordes.——v. poundes
For the non-entreſſe allane of meane landed men——xx. ſhillinges
Of Barronnes.——xl ſhilling.
Of Earles and Lordes——iij. pounds
For giftes of Prebendaries or Chaplanaries.——xxx. ſhillings
For tutories——xxx. ſhillinges.

For the multitude of denuntiations included in ane ſignatour of eſcheit, or life-rent, na payment, but for the gift onely: In reſpect they can importe but ane gift of eſcheit allanerly.

For preſentations to prelacies, legitimations, ſignators of of infeftments of Barronnies, and vther landes, remiſſiones, and ſik vther writtes, as paſſis firſt the ſignet: The keeper of the privie ſeale, ſall take for them allanerlie, the double of the prize, quhilk ilk eane of them payed to the ſignet.

In tailzies, reſervations, patronages, heritable offices, erections in free Burrowes and ſiklike, to take payment, according to the order and proportion of the ſignet.

Anent the Chalmer-fees.

IT Is ordained, that na ſignatours hereafter, ſall pay Chalmer-fee, except reſignations, and confirmations, irredemable allanerlie: and of ſik lands as are neither of his Majeſties propertie, nor temporalitie annexed, quhilks are declared to be free of all ſik fees in time cumming.

Prices ſet downe to the great ſeale.

THat the keeper of the great ſeale, exceede not the quadruple of the ſignet, or double of the privie ſeale, vnder the foreſaid paine. That to this effect the keiper of the ſignet, ſall vpon the back-ſide of the prent of the ſignet, ſet downe the price quhilk he receives for everie precept, and for all vthers letters after his name. Likewaies the keiper of the privie ſeale, his price for precepts, and vther letters after *per ſignaturam*: that thereby the keiper of the greate ſeale, pretend na occaſion of ignorance. Sik-like, that the

the ſaid keiper of the greate ſeale, ſet downe his price in the fore-face of every tag, quhairvnto the ſaid ſeale ſalbe appended. And that theirafter their be na drink-ſilver exacted fra the partie, vther nor hee will be contente to giue at his pleaſure and diſcretion. And ordainis ane herauld, maiſſer, or vther officiar of armes, to paſſe to the mercat-Croce of the ſaid burgh of *Edinburgh*, and there be open proclamation make publication, and intimation of the premiſſes, to all and ſindrie his Hieneſſe lieges, quhair throw nane pretend ignorance theirof. As allwa to command and charge the keipers of the ſignet, privie, and great ſeales, Iſchers of his Hieneſſe chalmer, and all vthers quhom it effeiris, to conforme themſelues to the wil and direction of the ſaides commiſſioners, ſignified to them in maner foreſaide: and on nawaies take vppon hande to altar or contraveene the ſame in onie poynte hereafter, as they and ilke ane of them will aunſwer to his Majeſtie, vppon their obedience, at their vttermoſt charge and perrel, and vnder the paine of deprivation of them fra their offices, certifying them & they failzie, That they ſalbe deprived fra their ſaide offices, and vtherwaies puniſhed in their perſones as effeiris.

Apud Edinburgh quarto Iunij, Anno. 1597.

THe Lords of ſecreit Counſel & Checker, following the commiſſion giuen to them be his Hienes & his Eſtaites, lately conveened at *Dundie*, anent the ordour, taking with the exhorbitant prices of al ſortes of writtes & letters, vſual amang the lieges, and likewaies of the ſeales, regiſters and chalmer-fee, quhilk a great number of the ſame mon paſſe, procuring daylie baith private grudges and publick exclamations, againſt the tolerance and with-gang, given to ſik ſhameful extorſion and abuſe, highly to his Majeſties diſhonour and offenſe, and to the manifeſt vndoing of the puir anis of this Realme, conſtrayned to haue adoe with the ſaids writs: Haue for remeid of that abuſe, decerned & ordained in time comming, & quhil a mair particular and ſolide ordour may be taken theirin; That al and quhatſoever Clerkes of Seſſion, Iuſtice, ſecret Counſel and checker, Clerkes to quhatſoeuer Commiſſar, Admiralles, Schireffes, Stewardes, Baillies of regalitie, & royaltie; Proveſtes and Baillies of quhat-ſum-ever his Hieneſſe burrowes, and of all vther courtes or Iudgements within this Realme, all writers to the ſignet, privie and great ſeales; all keipers of quhatſoeuer rolles, Regiſters & recordes, all publicke Notars, and vthers writers quhatſoever, quha ſal hereafter regiſter and in-rol, forme, extract, writ, or giue out for payment, to ony of his Hieneſſe lieges, ony ſignatour, contract, obligation, decreet, act or ordinance of ane court or Iudgement, chartour, ſaiſing, or vther evidente, billes, letters, or uther writtes quhat-ſum-ever of ony importance to the receiuer: Sall ſubſcriue with their handes the ſaid writ, and ſubjoyne to their names, the juſt and ordinar price, quhilk they receiue fra the partie for their paines. To be a teſtimonie of their diſcretion, in valuing of their travelles taken in the ſaids writtes, and to giue further licht to the ſaidis Lordes, quhat conſtant prices they may ſet vpon the like in time to come, vnder the paine of deprivation from their offices, and puniſhment of their perſons at his Hieneſſe further pleaſure, incaiſe of failzie. And ordainis letters to be di-

reſt, To make publication of the premiſſis to al and ſindry his Hienes lieges, quhairthrow nane pretend ignorance thereof.

FERCOSTA, ane Italian word: Anekinde of ſchip or little Boate. In ane priviledge granted to the Burgh of *Dundie*, for reparation and bigging of their Porte and Haven, be King *Iames* the ſecond, in the zeir of God 1458, and of his raigne, 22. Mention is maid of ane *Fercoſt*, quhilk is inferior in birth and quantity to ane Schip, becauſe the impoſt and taxation layde vpon ilke Schip is ten ſchillings, and vpon the *Fercoſt*, twelue pennies, and of every Crear, buſch, barge, and ballinger, fiue ſchilling, and ilke great boat ſex pennies.

FERDINGMANNVS, ane Dutch word, ane penny maiſter, or Theſaurar. *Stat. gild. c. 5.*

FIDELITIE, maid to ſuperiour, and over-lord. *vid. Homagium.*

FINIS, finance or compoſition maid with thieues. *Stat. 2. Rob. Bruyſe. Item 9* In the quhilk place it is called *rachetum*, or thieft boat. *Finis curiæ*, ane compoſition quhilk ony man giues in ane courte, ſik as the juſtice aire to the King, *In regiſtro 28. December*, 1541, The Theſaurar contrair the burgh of Perth. *Finem facere cum rege*, to fine with the King, or to make ane finance, and ſatisfie him for ony treſpaſſe committed againſt him or his lawes *Aſſ. reg. David. c. 2. lib. 4. c. 3. ſi vir. 16.* or *finem reddere regi*, to pay ane fine or compoſition to the King for ane crime, ſik as thift boate. *Stat 2. Rob. Bru. c. item ordinat 9. Finem facere cum molendinario de mul ura*, To agree and compone with the Miller for the multer. *Stat. Wilhelm. cap. Item ſtatuit quod detentor. 11.*

FIRMARIVS, ane mail-payer, ane mailer, or mail man. *Leg. Burg. c. ſi firmarius 56 Quo. att. c. nullus 26. Firma* ſignifies the duty quhilk the tennent payis to the landis-lord, quhidder it be ſilver-maill, victuall, or vther duty. *In ſtat. gild. c. 48.* In the quhilk ſignification, it is commonly vſed in the *French* lawes.

FORENSIS, from the French word *Foraine*: In the burrow-lawes of this Realme, ſignifies ane vn-free-man, quha dwellis not within burgh or out-dwelland-man. And therefore is called *Rure manens*, quha dwelland a-land ward, hes na priviledge, or immunitie within burgh. Commonlie all ſtrangers are called *Forinſeci*, or *Forcines*; vther waies *advena*. Quhair anent it is ſtatute, that na burges dwelland in burgh, ſall harbourie ony ſtrange man in his houſe, langer nor ane night, without borrowes and caution. *Leg. burg. c. nullus in burgo 88. Quon attach. cap. nulli 47. Servitium forinſecum*, ſignifies ſik ſervice as the vaſſall or tennent, ſuld do to his over-lord and maiſter, fra hame, or in time of weir-fare. In England they quha ar not borne Engliſh-men, ar called Alienes: Quha injoyes not libertie within the Realme, except they be *Denized*, quhilk word appeares to be driven *a Danis, quaſi daniſatus*, that is maid lauchfull and free, as ony *Daneſ man*, quhen the *Danes* did occupie and poſſeſſe ane great parte of that Realme: Or it may cum fra the French word *Denier*, that is to deny. Becauſe ſik perſones as ar denyſed in England, denyis and renouncis their awin natiue Cuntrie, and becummis Engliſh-men, as naturallie borne Engliſh-men.

In France they are called *ambani, or albini, quaſi alibi nati*, ſtrangers, not borne within the Realme of France, quha theirfore deceaſe and in France; without lauchfull ſucceſſion of their bodies; hes na power to make teſtament. For their gudes and geare, are nocht giuen to their aires, or ſucceſſours, bot are confiſcat to the Kings vſe, be the law quhilk is named, *Albinage, ius albinagij. Cheſſan. in conſuetud. Burgund. Rubric. 21. §. verb. dies confiſcationis Nu. 37.* In the actes of Parliament. *Marie.* p. 8. cap. 66. it is called *droict d' Aubeyne.*

FORESTARIVS, ane foreſter, or keiper of woods, to quhom be reaſon of his office, perteinis the bark & the hewen branches. And quhen he rides throw the foreſt, he may tak ane tree als heich as his awin head. *leg. foreſt. c. 10 Foreſta*, is called ane large wood, without dike or clauſure, quhilk hes na water. *Sylua* is ane wood neare adjacent to ane flude of water: bot quhen the ſamin is incloſed with dike or hedgings, is called ane parke, *Cheſſa. in conſuetud. Burgund. Tit. des foreſts 13. in prin. per gl. in c. cum dilecti. de donationibus. Felin. in c. Rodolphus extr. d. ſcript. Nu. 21.* Quhair *foreſta* is called a place, quhairin ar includ d wild beaſts, & quhair ſum hes liberty of hunting. Bot quhair there is ane fluid of water, it is *Sylua.* And beand circled about, & environed with waters *Inſula*: And incloſed with dikes or hedgeings, *parcus. Io. Andr. in d. c. dilecti. Infeodatus in liberam foreſtam*, infeft in free foreſt, hes power to hunte, halke, and cut trees, quhilk we call *poteſtatem venandi, aucupandi, & ſecandi*, quhilk libertie na perſon may vſe bot be ſpecial licence granted to him. *vid. Varenna. vid Veniſon. vid Werd.*

FORISFACTVM, ane vnlaw, quhilk vtherwaies is called *amerciamentum lib. 1. c. dos autem 19. Stat. Alex. c. ſi quis conqueſtus 9. lib. 4. c. 3. leg. burg. c forisfactum 42. vid Amerciamentum.* It is taken for fornication committed be ane woman being aire temaill within waird, *vt cum fœmina dicitur foriſfacere de corpore ſuo*, to fore-fair, or abuſe her bodie, *vid. Putagium.* Item it ſignifies quhatſumever fault, treſpaſſe, and crime, and is called forefault in the Actes of Parliament. Iam. 2. parl. 3. c. 6. And quhair it is written, *pro vno forisfacto non debet eſſe niſi vnum amerciamentum. Leg. Burg. cap. de vno 3.* In ane vther place it is ſaide, *Pro vno delicto, non debet eſſe niſi vna miſericordia. Aſſiſ. Reg. David. cap. ad hoc 28.* That is, for ane faulte there ſuld bee bot ane vn-lawe. And in the Engliſh Lawes, *Henri 3. In carta de foreſta cap. 15.* all Out-lawes for the Kingis Forreſtes, ſall returne to his peace, and ſall finde to him ſure pledges, that they ſall nocht do onie fore-faulte, or wrang in his Forreſtes. *Forisfactum plenarium regis*, may be extended to the death, as *plenaria iuſtitia*, quhilk ſuld be execute vpon him quha ſtops the ſleuth-hounde, in perſewing of thieues and thieft. *Lib. 4. cap. & ſi quis 35.* And it is ſtatute that nane ſall ſtop the Kingis burgeſſes to buye and ſell and freelie throw-out all the partes of the Realme, *Super plenum forisfactum regis, leg. Burg. c. ſi burgenſes, 141. vel ſuper plenariam forisfacturam. Lib. 4. c. Statutum. 38. ſtat. Wilh. cap. Item ſtatuit 19.* conforme to the quhilk conſtitution, he quha troublis or moleſtis merchandes dwelling within burgh, to vſe their freedome and priviledges: may be accuſed as ane oppreſſour of the Kings lieges Ia. 5. p. 4. c. 26.

FORISFAMILIARI, forisfamiliat, put furth of his fathers houſe, or maid free, and delivered foorth of his fatherlie power, the ſonne is called forisfamiliat be the father, quhen hee with his awin conſent and gud will, receiuis from his father onelie Landes: and is put in poſſeſſion theirof, before his fathers deceaſe. *Lib. 2. c. porrò 33.* and is content and ſatisfied therewith. Swa that he nor his aires may not claime or craue onie mair of his fathers heritage. *De iudicibus cap. Item nota, 115.*

FORESTALLERS, *vid. Regraters.*

FORTALITIVM, Iam. 2. p. 3. c, 3. *Stat. 2. Rob. Br. c. Item ordinatum. 8.* Ane fortalice, ane Caſtell, and properlie ane houſe or Towre quhilk hes ane battlement, ane barmekin, or ane fowſie about it. 7. Feb. 1596. Lord *Fleming* contrair *Iames Roſſe.*

FORTHOCHT-fellony, *præcogitata malitia*, quhilk is done & committed wittingly and willingly, after deliberation & ſet purpoſe, & is different from *chaudmelle, quia vt ſcribit* Cicero *l. 1. offic. In omni iniuſticia, per multùm intereſt vtrum perturbatione aliqua animi, quæ plærumque brevis eſt, & ad tempus, an conſultò fiat iniuria. Leviora enim ſunt ea, quæ repentino aliquo motu accidunt, quàm ea quæ meditata & præparata inferuntur.*

FOSSA, ane pit or fowſie. *Furca*, ane gallous, in Latine *cabalum*, quhilk was firſt inſtitute and graunted be King *Malcolme*, quha gaue power to the Barronnes to haue ane pit, quhairin weemen condemned for thieft ſuld bee drowned, & ane gallous quhair-vpon men thieues and treſpaſſours ſuld be hanged, conforme to the doome given in the Barron Courte there-anent. *Hector. Boetius. l. 12. Erectio furcarum eſt meri imperij, & altæ inſtitiæ, & ſignificat dominium aëris, quia ſuſpenſi pendent in aere. Et merum imperium conſiſtit in quatuor, ſicut ſunt quatuor elementa, In aere, vt hi qui ſuſpenduntur. In igne, quando quis comburitur propter maleficium. In aqua, quando quis ponitur in culeo & in mare proiicitur, vt parricida. vel in amnem immergitur, vt fœminæ furti damnatæ. In terra, cum quis decapitatur & in terram poſternitur. Cheſſ. in conſuetud. Burgund. Rubric. 1. §. 1. verb. au territorie. Nu 14. & rubric. 1. §. 2. Nu. 2. Porrò iuriſdictio dicitur notio. quæ iuri magiſtratus competit. Miſtum imperium, eſt poteſtas quæ iuriſdictioni ineſt. Merum autem imperium eſt ius gladij, vel alicuius grauioris coercitionis nominatim lege conceſſum. Cuia. l, 4. de feud. tit. 19.*

FRIEBORGH, *liber plegius, vel fideiuſſor, quem Galli francum plegium vocant.* In the aulde Britton lawes, *Bopher vel Bores*, is that quhilk we call Borrowes, borgh, or cautioner. And *Aluredus* King of England, divided England in *ſatrapias, centurias, & decurias*, as ſalbe declared in the word Schiref: & ordained that *decuria*, ſuld comprehend ten perſons, & *centuria* ſuld conteine ane hundreth perſons, quhairof ilk ane was cautioner and ſovertie for vthers: in ſik ſort, that the haill number, and ilk ane of them was anſwerable for the fault and deed of ony ane of them, & ſwa was called *free borgh, free-pledge*, or cautioner, *vide antiquas leges Brittonum.*

FVRCHE, ane word, quhairof I finde na mention in the written lawes of this Realme, nor of onie vther Cuntrie: And zit is vſed in the forme and order of the Chancellarie, from *furca*, ane forke. For quhen onie perſon is ſerved and retoured narreſt and lauchfull aire to ony of his Predeceſſoures,

of

of ony lands halden in chiefe, of ony vther ſuperiour then the King: The direćtour of the Chancellarie, cauſis his Clerkes direct to the ſaid ſuperiour three precepts, commanding him to giue ſaiſing to the perſon retoured, of all and ſindrie the landes, conteined in the retour, he doing therefore to his ſuperiour, all quhilk he aucht to do of the Law. Of the quhilk precepts, the ſecond is called *Meminimus aforma verborum qua præceptum concipitur.* For the precept bearis that the King remembers, that he directed his firſt precept and commande, quhilk was not obeyed, quhair of he mervaillis: And therefore zit as of before commandis the ſuperiour to giue ſaiſing. The thrid precept is called *Furcha*, for quhat cauſe I knaw not certainely: Bot like as ane forke hes twa graines, this precept hes ane alternatiue command of twa partes, for the King commandis the ſuperiour to giue ſaiſing, or elſe he certifies him he will command the Schireffe to giue the ſamin. *Itaque hoc præceptum eſt furcatum vel biſurcatum, in eadem ſignificatione, qua barba biſurcata,* quhilk is divided in twa taits or parts. And in French *Furche*, is called cloven futted, or forked.

G

GALNES, *Lib. 4. c. ſi quis 37. ſtatuit 66.* Ane kinde of mendis, aſſithment or ſatisfaction for ſlauchter. Of the quhilk word I finde na mention in onie vther place, or law of vther cuntries.

GANGIATORES, *Iter camer. c. Gangiatores 14.* ſignifies them quha ſuld mark the claith, bread, or barrelles before they be ſauld, with the mark of their office: or tryis or examinatis al meaſures and weichts, baith dry & weete: For the French *Iage*, is that quhilk we call Iug, met or meaſure.

GARBA *ſagittarum*, an ſcheif of arrowes, conteining twentie foure, vtherwaies called *ſchaffa ſagittarum. Stat. 2. Rob. Br. c. ordinatum eſt 27.*

GARCIFER ane French word. Ane *Garſon*, ane ſervand quha ſervis in the Myln, ane myln-knaue. *leg. burg. c. quicunque 64.*

GILDA, ane ſocietie & cumpanie of Merchandes. For in the auld *Britton* lawes, *gilder* ſignifies the ordour or ſocietie of religious men, or of craftsmen. *Vide antiquas leges Brittonum, verbo Contubernales.*

GIRTHOLL, girth, ſanctuarie, in Latine, *aſylum, aſſ. reg. Da. c. ſi quis in aliquo 27. Aſylum* is driven from the Greeke, *a, particula priuatiua, & σύλαω h. e. traho, gl. in l. ſi quis 17. de ædilit. edict.* Becauſe it is not leaſum to draw foorth ony perſon furth of the *Gyrth*. Quhair anent ſindrie acts of Parliament ar maid, conforme to the Law of God. *Exod. 21. 13. Ioſhua 22. 1. &c.*

GLEBA, ane gleibe, given and granted to Kirk-men and Miniſters of the Evangel. *vid. Manſus.*

GVERRA, *Lib. 2. c. ſunt quidam 72. Stat. 1. Rob. Br. c. 17. Stat. 2. Ro. Br. c. ordinatum eſt 27.* Vtherwaies called *Verra*, battell, weir. And ſignifies not only publick weir and hoſtilitie, quhilk is proclaimed and denunced be the lauchfull authoritie of the Prince: Bot alſo private deadly feed, quhen ony particular perſon wauld revenge ony private injurie done to him. For it is ſtatute be K. *David* the ſecond, *Quòd nullus de cætero moveat guerram contra*

vicinos ſuos quoſcunque, ſub pœna plenaria forisfactura, 6. November. 1535. Mention is maid of Courtes of *Guerra*. Iam. 3. Parliam. 8. cap. 69. quhilkis were halden be Schireffes, Stewards, Baillies, and vther officiars. Bot quhat was the ſpeciall juriſdiction belangand theirto I knawe nocht: And findis na mention theirof in onie vther parte of the Lawes of this Realme, alwaies as it appearis that they were halden be the ordinar judges foreſaides, anent ſtrife, debates, crimes, and treſpaſſes committed betuixt familiar and domeſtick perſones, ſubject to ane maiſter, within the juriſdiction of the ſaides Iudges, conforme to the Lawes of the fewes in §. *vl. de pace tenend. lib. 2. de feud, Si miniſteriales alicuius domini inter ſe Guerram habuerint; comes ſiue iudex, in cuius regimine eam fecerint, per leges & iudicia, ex ratione proſequatur*. Quhilk forme of courtes being particular Iuſtice-courtes, was prejudicial to the juriſdiction of the juſtice and his deputes, and grieuous to the lieges of this Realme, and theirfore ar diſcharged be King *Iames* the thrid, in the place foreſaid.

GYSARVM, ane hand-axe. *Leg. Foreſt. c. ſciendum eſt 67*. Quhair it is ſtatute & ordained, that al men of the age, betuixt ſextie, & ſexteene, ſal haue armour, conforme to the quantity & the valour of their lands & moveable guds: that is, he quha hes fifteene pund land, or fourty marks in moveables, ſal haue ane horſe, ane habergeon, ane bonnet of Irone, ane ſword, ane dagger. And he quha hes fourty ſchilling land, or abone, within ane hundreth ſhilling land, ſall haue ane bow, arrowes, dagger and knife. And he quha hes leſſe then fourty ſhilling land, ſal haue *Gyſarum*, quhilk is called ane hande-axe, ane bow, and arrowes. And all vthers, quha ſuld, or may haue armour, ſall haue ane bow and arrowes.

H

HAIMSVKEN, *Lib. 4. c. raptus, 9. in fine, Quon. attach. c. de cætero. 48. Stat. Wilh. c. Item ſtat. 9*. Ane Dutch word: For *Haim* ſignifies ane houſe or habitation, quhair ane dwellis, and quhair he hes his winning, ryſing and lying. As we ſay, ane man is at hame, or not at hame. In the quhilk ſignification *Cuningham*, is called the Kings houſe or hame, ſpecially quhen the kings of this Realme, quha of before did dwell in the Iles, came to the maine land to dwell and remaine in *Doundonald*, and vther places. *Suchen* in the *Germane* tongue, ſignifies to ſeeke or ſearch, perſew or follow, as quhen ane gives vp kindeneſſe to ane vther, he ſayis, *Harr, hart, Ich wol euch ſuchen*, ſwa hame-ſuchen, or hame-ſuken, is quhen ony perſon violently without licence, & contrair the Kings peace, enters within ane mans houſe, or ſeiks him at the ſame, or aſſailzies his houſe (as is written in the beſt buikes) quhilk crime is puniſhed, as raviſhing of weemen. *Quo. att. c. ſi quis aliquem 50. ſtat. Wilh. c. Item ſtat. 10*. quhilk is eſteemed an great crime contrair the cõmon-weil, quietnes & peace of the cuntry, *quia vnicuiq; domus ſua eſt tutiſſimum refugium: ideoq; de domo ſua nemo debet extrahi. l. ſed & ſi. 21. ff. ſi quis in ius vocat, quod verum eſſe in cauſa ciuili, non autem in criminali, notatur in gl. ibidem, quid ſit domus. vid. l. 1. ff. de agnoſcend. liber*.

HAWBERT, there is four maner of halding of lands out-with Burgh. Sum landes are halden be the Kirke, *Nomine puræ eleemosynæ*, and payis nothing bot *deuota animarum suffragia*, as was vsed in the time of blindnes and Papistrie: vther are halden in few, or few-ferme of the King, Kirke, Barrones or vthers, quhilks payes ane certaine dewtie called *feudifirma*, fewferme: Vther are halden blanch, be payment of ane pennie, ane rose, ane paire of guylt spurres, or sum vther dewtie quhen it is asked, in name of blanch, or *nomine albæ firmæ*: vther landes are halden be service of warde and relieue, and the aire heirof beand *minor*, is in the gairde, that is, waird, custodie, and keiping of his superiour, with all his saides Landes, vntill hee bee *Maior*, and of perfite age. And sik-like, his mariage beand *Maior* or *Minor*, and not maried before the decease of his predecessor perteinis to his superiour. *vid. Varda.* Lands halden in this last forme & maner, ar called *feodum de Hauberk*, or *Haubert*, or *feodum militare. de maritag. c. diversa. 7. ass. reg. David. c statutum fuit. 32.* Or *feodum Hauberticum*, or *feodum loricatum*: Because it is given vpon condition, that the vassall possessour thereof, sall cum to the hoist & armie, with *Iak* & armes: For *lorica à loro*. signifies ane abuilzement maid of cordes. And *Haubert*, signifies ane kinde of armour, maid of mailzies, or circles like ringes, called ane *Haubergion*, conforme to the common proverb, many Mailzies makis ane *Haubergion*; mony littles makis ane meikle. Of the maner of *tenures* in the English lawes, read *Littleton*; and in the *Normand* lawe. *lib. 5. c. 3. cum seqq.*

De quatuor modis tenendi terras

Lorica.

Haubergion

HAIMHALDARF, *vindicare, actione reali repetere*, to repeate and seeke restitution of proper guds & geare, & bring the samin hame againe. *Quon. attach. c. 4.* as lauchfull and *haimhald* cattell. *mod. ten. cur. c. 13.* & *hamhald* lint, or *Haimhald* hemp, is that quhilk growis at haime, within this Realme, & is opponed to lint and hempe quhilk is brocht furth of vther cuntries: *Hamhaldatio catallorum*, is quhen ony man seikis restitution to be maid to him of his awin guds & geare, wrangously taken fra him, quhairof frequente mention is maid in the auld Lawes of this Realme. And hee quha seikis the saide restitution, suld sweare in this manner: Ane buike beand put within the Hornes, or vppon the fore-head of the beaste, that is claimed, before twa lauchfull witnesse, that the said cattell acclaimed be him did wander awaie from him, and that the samin was nocht-given, saulde, or ony manner of waie annalyed be him to onie kinde of person. *Vid. Cattalla.*

HARA *porcorum. vid. Creffera*

HEBDOMAS from ἑπτὰ quhilk signifies sevin; As *septimana* from *Septem*. For like as be the division maid be *Iulius Cæsar*: The zeire conteinis Twelue Monethes, and the Moneth four oulkes. Swa the oulke comprehendes seven dayes, conforme to the number of the seven Planets: to the quhilk the samin are consecrat and dedicate, according to the superstition of the Gentiles, quha worshipped the Planettes as Gods. Bot the Gotthis, and Germans consecrated the dayes of the oulke, to their Idols, vthers than the Planets. Swa the names and appellationes of the dayes of the oulk (vsed in our language) are taken from the Dutch, and Gotthicke tongues.

For like as oulk, or weik in Dutch is called *Woch*: Swa the day in Dutch is called *Tag*. And the firſt day of the weik is Sunday, in Dutch *Sontag*, conſecrat to the Planet of the Sunne: In Latine, *dies Solis*, quhilk vtherwiſe is called, *dies Domini*, *Dies Dominica*: In the Revelation of S. *Iohn*, 1.10. And is the firſt day of the ſeven, or of the weik, As is manifeſt in the Actes of the Apoſtles. 20. 7. 1. Cor. 16. 2. Becauſe the ſamin day our Saviour and Lord Ieſus Chriſt did ryſe from deid to life. Ioh. 20. 19. And therefore like as the Iewes obſervis the Satterday as their Sabboth: Swa we Chriſtians keipis and obſervis this day as haly day; & ſwa it is called, *prima dies Sabbathi*, The firſt day after the Sabbath of the Iewes.

The ſecond day is Moneday, and corruptly Mononday, In Dutch *Montag*, ſo called to the honour of the Moone.

The thrid day, Twiſday, in Dutch, *Dienſtag*, *Teutonis dies*, quhilk is haly, & ſuperſtitiouſly conſecrat to the Idoll *Teuton*, quhom the Germanes worſhipped as God, and therefore ar called, *Teutones*, *Teutonici*, in Latine be the Romaines it is called *Dies Martis*, in honor of the Planet Mars.

Olaus Magnus de gentibus ſeptentrionalibus lib. 2. c. 3. And *Albertus Krantzius Suecia. Lib. 41. c. 1.* writtis that the auld *Gotthes*, being Paganis, & ignorant of the true God, did honour and worſhip their principall and chiefe gods or Idols. The firſt is *Thor*, quha as Iupiter had power of the aire, thonder, windes, cloudes, fair and fowle wether, peſtilence, and of all fruits: quhais Image was placed in ane Chyre, vppon ane Cuſching, the time of the adoration and worſhipping of him: Vpon his richt hand was ſet the ſecund Idoll *Odhen*, God of peace, weir, and battell. Of the like power was *Mars*, amangſt the Romaines. Vpon the ker and wrang ſide, was placed the thrid Idole, *Frigga*, the gods of pleaſure of the bodie and luſtes of the fleſh, as *Venus* amongſt the Gentiles and the Romaines. To thir three Idols of the *Gotthis* three dayes of the weik ar halie, and conſecrat dayes be them. And therfore the fourth day of the weik, inſtitute and ordained be *Iulius Cæſar*, is called be him *Dies Mercurij*, in honour of the Planet *Mercurius*: Be the *Gotthis Odenſtag*. Fra the quhilk is called Odeniſday or Wedniſday.

The fyft day in Latine, *Dies Iouis*, amangſt the *Gotthis*, *Thorſtag*. For Iupiter amangſt the Romaines: and *Thor* amangſt the *Gotthis* was of like preheminence and power. Quhilk day we call Thurſday.

The ſext day in Latine, be the Romanes, is *dies Veneris*, in honour of Venus, gods of the Romanes, & *Frigga*, goddes of the *Gotthis*, baith of the like power and dignitie, quhilk day we call Frigday or Fryday.

The ſeventh and laſte daye of the weike, is conſecrat to the planet *Saturnus*, and is called Sater-daye, or Satur-daye, *Dies Saturni, vel Saturno ſacra.*

HERREZELDA, is the beſt aucht, oxe, kowe, or vther beaſt quhilk ane husband-man poſſeſſour of the aucht parte of ane dauach of Lande, four oxen gang, dwelland and deceaſand theirvpon, hes in his poſſeſſion, the time of his deceaſe, quhilk aucht and ſuld be given to his Landiſ-lorde, or maiſter of the ſaid land. *Lib. 4. c. ſi quis 22. aſſ. Reg. Da. c. ſi quis 41.* for *Herr* in Dutch, in Latine *Herus*, *Dominus*, ſignifies ane Lorde or maiſter, and *zeild*,

is

is called ane gift,tribute,or taxation,as in the auld actes of Parliament maid be King *Iames* the Firſt, it is written,that ane *zeilde* was gaddered for the reliefe of him out of England. And ane vther *zeilde* was collected for reſiſting the rebelles in the North.Swa *Herrezelda*,is ane gift given be ony man to his maiſter and Lorde, quhilk ſuld be his beſt aucht 17. October.1470. Quhilk is conforme to the auld Lawes.*Lib.2.c.tenentur.*35. quhair ilk perſon makand his teſtament, ſuld recognoſce and acknawledge his maiſter with the beſt thing he hes. Swa it is manifeſt that the *Herrezelde* is given,be reaſon of the tennents deceaſe to his maiſter as ane gift, for acknawledging and honoring of him,and therefore in the Civill law is called,*landemium, a laudando domino*. Item, in the auld Saxon and Dutch language, *Here* is ane hoiſt,armie,or weirfare.Swa(as ſum thinks) *Herrezelda*,ſignifies that quhilk is given to the Lord or maiſter,paſſing to the hoiſt, or be reaſon of weirefare.For ſik ſmall husband men having onely foure Oxen-gang of Land,& thereby,be reaſon of their povertie, not able to paſſe to weir-fare in proper perſon,ſuld helpe their maiſter,paſſand forward theirvnto: like as *Heriſchulda*, is the paine of him quha obeyis not the Proclamation maid for weirfare,for *ſchuld* is *debitum* or debt,and *heribannum* is ane charge or proclamation maid for weirfare.*Cuia.lib.1.de feud.*

HILDA,*terræ*,*Hida terræ*,ane pleuch of land.*vid.Carucata.*

HOMAGIVM *Dicitur quando aliquis promittit ſe eſſe hominem alicuius domini, & ſtare, habitare, vbi voluerit dominus. Et ſuper hoc facit homagium, id eſt promiſsionem,vt ſit ſuus homo. Vel homagium dicitur fidelitas hominis,pro rebus temporalibus facta domino.Cheſſan.in conſuetud. Burgund.rubric.3.§.1. verb. des fiefs & in §.3 nu.3.* It is a bande of man-rent, quhen ony perſon promiſis to ſerue ane vther,in ſik ſorte,that he ſall be friend to all his friends, and foe to all his foes ,againſt all deadly.*Lib.2.c.prædictis 60.Leg.Foreſt.c.quando 60.* It is therefore called *hominium*, and ſuld be maid be the vaſſall being *Minor* or *Maior*,to his over lorde. *Lib.2.d.c.60.* And the ſamin being made generally without exception of ony man , is called *homagium cum ligeantia factum. vid.Ligeantia.* Homage differs from fidelitie ; firſt be reaſon of the perſones makers thereof, for weemen makis na homage,bot onely fidelitie.*Lib.2.c. prædictis 60.* Becauſe Homage concernis ſervice ſpecially in weirfare, to the quhilk weemen ar nocht ſubject. And likewaies conſecrat Biſhopps, makis onely fidelitie for their landes and barronnies.*Lib.2.c.fieri 61.* In this forme, **I ſall be leill and true, to zou my liege Lord, and Schir N. King of Scotland,and ſall not heare zour ſkaith,nor ſee it,bot I ſall let it at my power, & warne zou theirof:zour counſell conceill, & heill,that ze ſchaw me:The beſt counſell that I can giue zou,quhen ze charge me** in verbo **Dei,and as helpe me God,and the halie** Evangell.The ſecond difference is be reaſon of the forme and maner: for he that makis fealtie, kneillis nocht on his knees,Bot he that makis homage kneilis down: vtherwaies the forme of homage maid be Barronnes to the King,and the forme of fidelitie maid bee them to the King, are nocht farre different, for the forme of homage maid be them is this: I become zour man my liege King,in land,lith,life,& lim,warldly honour,homage, fealtie & lawtie, againſt all that liue and die.

Zour

Zour counſell conceiland, that ze ſchaw me: The beſt counſell ſchawand, gif ze charge me, zour skaith or diſhonour not to heare or ſee, bot I ſall let it at all my gudly power, and warne zow theirof, Swa helpe me God. The forme of fidelitie maid be the barrones to the King is this: I ſall be leill and trew, to zou and my Lord, Sir N. King of *Scotland*. I ſal never ſee zour skaith nor heare it, bot I ſall let it at my power, and warne zow theirof. Zour coun. ſell ſchawin to mee, I ſall conceile: The beſt counſell I can, I ſall giue zow, quhen ze charge me therewith, ſa helpe me God. *Fiunt autem Homagia de terris & tenementis liberis tantummodò & ſervitijs: de redditibus aſſignatis in denarijs; & alijs rebus. Pro ſolo vero domino, non ſolet fieri homagium, excepto Domino principi. lib. 2. c. fiunt 66. Ita hic locus corruptus & difficilis legi debet.* Concerning the expoſition of the quhilk: It is to wit, that all homage is maid to the over-lord and maiſter, quhairof ſum ar maiſt chiefe, and principal, ſik as the King, to quhom without ony exception, *ſuprema fides, qua nullam exceptionem patitur iure optimo debetur.* Vther over-lords ar inferiour and ſubalterne, to quhom their vaſſalles are bounde and obliſhed, and ſuld make their homage. And ſwa there is twa kindes of Homage, *aut enim eſt ligium, aut non ligium. vid. Ligeantia.* Baith the ane and the vther may be maid *pro terris, tenementis, annuis redditibus:* Becauſe ane free halder of lands, tennents, and annuell rentes, may make homage to his immediat ſuperiour for his landes or tenements, exceptand the King and his elder over-lord, quhilk is, *Homagium non ligium lib. 2. c. fieri. 61. leg. Foreſt. c. quando. 60.* Or he may make homage to his over-lord *ſimpliciter*, without exception of ony perſon or vther over-lord, quhilk is, *homagium ligium. Pro ſolo domino*, na homage can be maid, bot only *domino Principi*, quhilk is, *Homagium ligium*: Becauſe it is vpon condition and covenant, that he to quhom it is maid, ſalbe maiſter, Lord, & mainteiner allanerly to the maker therof. And quha makis the ſamin, ſal acknawledge him & nane vther to be his Lord & maiſter for his maintenance, protection & defence, quhairanent he makis exception of na perſon, & ſwa this kinde of homage is maid to the King allanerly, *pro ſolo ipſius dominio, quem ſolum & nullum alium omnes debent agnoſcere pro ſolo domino. Hic locus admodum difficilis me diu multùmque torſit, neque aliter me hinc extricare poſſum, ſed in hac re ſuum vnicuique liberum eſto iudicium.*

For what thing homage ſuld be maid.

Homagium ligium & non ligium.

HVESIVM, *Hoyeſium*, ane French word, *Oyer*, in Latine *audite*, ane hoyes, or crie vſed in proclamations, quhairby ane officiar of armes, or meſſenger dois conveene the people, and foir-wairnis them to heare him, *De maritag. c. ſciendum. 17. de iudic. c. 57.* It is called alſwa, an Out-hoy, or crie. *leg. foreſt. c. ſi quis 91.* And ane thiefe ſuld be taken with the blaſt of ane horne with clamour or hues, and preſented to the Baillie. And gif thereafter hee flies away, he may be ſlaine leiſumlie, and hanged vp in the next gallous. *lib. 4. c. ſi quis latronem. 33.* Quhilk in ane parte is conforme to the act of Parliament. Ia. 6. p. 1. c. 21. And in the Lawes of England. *Ann. 4.* Edward. 1. Hee quha followes not the hue, rayſed for apprehending of malefactoures, ſalbe accuſed therefore.

HVSBANDLAND conteinis commonly twentie ſex aikers of ſok and ſyith lande: That is of ſik lande as may be tilled with ane pleuch, or

may

may be mawed with ane ſyth. For as ſum auld writers teſtifies, the Earle of *March* for the time, cauſed his ſervand *Simon*, or *Sim Salmound*, to divide the haill land in the *Mers* into husband landes. Ilk husband-lande conteining twenty ſex aikers, quhair pleuch and ſyth may gang. Quhat Earle of *March* this was, I am not certaine, bot I finde that ane called *Simon Salmound*, is forefalted with *Alexander* duke of *Albanie*, Earle of *March*, *Mar*, & *Garrioch*, Lord of *Annanddale*, and of *Man*, brother to King *Iames* the thrid. 8. Iulij. 1483. Bot the Lords of Councel eſtemis the zeirly mailes, ſermes & deuties of ane husband land, to fiue markes, *in Regiſtro*. 1. Decem. 1545. And ane vther husband land lyand beſide *Dumbar*, they eſteeme it to 14. bolles beare, & 3. bolles quheit, *in Regiſtro* 14. Feb. 1544. And ane vther husband land to three punde. Swa I finde na certaine rule preſcrived anent the quantity and valour of ane husband land.

Forefaltour of Alexander Earle of March. &c.

I

INFANGTHEFE, *Lib. 1. c.* 3. ane Dutch word, quhairof I finde diverſe interpretations: For in the auld lawes of the *Brittones*, maid be King *Edward*, Infangthiefe is ane liberty or power perteining to him quha is infeft therwith, to cognoſce vpon thieft, committed be his awin man, taken within his awin dominion and landes; like as in ſindry auld buikes, contenand the laws of this realme. Infangthefe *dicitur latro captus de hominibus ſuis proprijs, ſaiſitus de latronicio*: and out-fangthiefe is ane forain thiefe, quha cumis fra an vther mans lande or juriſdiction, and is taken and apprehended within the lands perteinand to him quha is infeft with the like liberty. In ſindry vther buiks it is written, that infangthiefe is an liberty to ſit & decide vpon thieft, committed within the juriſdiction of him quha is infeft therewith, be his awin man, or ony vther man quhatſumever, taken therewith, within his awin juriſdiction. And out fang-thiefe, is power or libertie to reduce, repleige, and bring hame to his awin court, al thieues being his awin men, & committand thieft within his awin boundes, quha ar fugitiue and taken within ane vther mans juriſdiction, with the fang, that is, hand haveand, and back-bearand. *Lib. 4. c. Si quis 11. Quon. attach. c. nullus 22.* Quhilk fang in the civil law, is called *furtum manifeſtum*. Bot ſindrie vthers are in the contrair opinion, affirmand that it is not leaſum to ony man haue ane libertie of out-fang thiefe, to repledge or reduce his awin man, taken without his awin liberty for thieft to his awin court, & there to do juſtice vpon him: Becauſe al thieues ſuld vnderly the law, and be judged be him, within quhais juriſdiction the thieft is committed: in ſik forme and maner, as is ſtatute anent ſlauchter, and punition thereof. Ia. 1. p. 2. c. 89. Amangſt the interpretours of the civill lawe, I finde the like controverſie in this matter. *For. Bart. in l. Si dom. 48. Nu. 2. ff. de furtis. Quocunq; (inquit) in loco reperitur fur cum re furtiua, ibi poteſt puniri: Veluti furtum faciens Florentiæ, Si reperitur in alia iuriſdictione veluti Mediolani, cum furto, poteſt à Mediolanenſibus puniri.* Quhais opinion ſindry Doctours followis, as writis *Cheſſaneus, In conſuetud. Burgund. Rubr. 1. Verb. ſimplè larrecin. Nu. 13.* Albeit ſindrie vthers are in the contrair opinion, alleagand, that the

Furtum manifeſtum.

thiefe

thiefe ſuld be puniſhed in the place quhair he committis the thieft, *vt in additione ad Bartol, in d. l 48.* Conforme to the quhilk, it is ſtatute be the Lawe of this realme, that ane thiefe of ſtollen woodde, taken with the ſang in ane vther Lordes Landes, ſuld be arreiſted with the wood, and ſall ſuffer the law in his court, fra quhom the woodde was ſtollen. Iam. 1. p. 2. c. 34. Mair-over ane thiefe is ordained to be puniſhed in the place quhair the thieft was committed, becauſe the cryme may be beſt tryed there. *Stat. 2. Robert. Bru. c. 4.*

INFENSARE *curiam*, That is, quhen the judge informis the ſuters in ſik things quhairof they ar ignorant. *Quo. att. c. vbi ab aliqua 10.* Like as the civill law. *Iudex poteſt ſupplere ea quæ advocatis in iure deſunt.*

ITER, From *Itinerare. h. e. Iter facere*, As *Iter Camerarij*, the Chalmerlane aire, quhairof ane gud forme is written and extant in the buikes conteinand the auld lawes of this Realme. *Iter Iuſtitiarij*, the juſtice aire, *Quia Iuſtitiarius debet itinerare per regnum*, as it is written in the Engliſh lawes. For hee ſulde make courſe throw the realme, for miniſtration of juſtice, and ryde in competent and eaſie number, to eſchew grievance, and hurting of the people. Ia. 2. p. 6. c. 21.

The forme of the Iuſtice aire, or court.

The Iuſtice aire ſuld be halden twiſe in the zeir. For King *David* ſtatute and ordained, that the juſtice and his depute ſuld hald twa head Courtes zeirlie. *Aſſ. Reg. Da. c. ſtatuit dominus. 18. Quon attach. c. ſtatuit 77.* And the Kings juſtice, the Lords of the regalities, & alſo the Kings Baillies in his regalles, ſuld hald their juſtice aires twiſe in the zeir. Iam. 2. p. 3. c. 5. Vniverſallie in all partes of this Realme, anis on the graſſe, and anis on the cornes. Ia. 2. p 13. c. 94. Ia. 4. p. 3. c, 29. And over all the Schires of the realme, in the moneth of *Aprill*, and *October*. Ia. 6. p. 11. c. 81. Baith in the in-land, & alſwa in the Iles, South & North. Ia. 4. p. 6 c. 59. Becauſe the Iles & inhabitants thereof ſuld be ruled be the Lawes of this realme. Ia. 4. p. 6. c. 79.

Juſtice aire ſuld be halden twiſe in the zeir.

Juſtice aires ſuld be halden, for the increaſe of juſtice & tranquillitie of the realme, for ſtanching of combers, ſlauchters, rieſes, thiefts, extorſions & oppreſſion of the Kings lieges. And to the effect juſtice may be vniverſally throw the haill realme miniſtred, for punition of the ſaid crimes, ſik authoritie ſuld paſſe with the juſtice throw all the Realme, to the juſtice aires, that treſpaſſoures, ſik as men-ſlayers, rievers, thieues, & committers of vther enormities, in diſſobeying and lichtlying of the Kings laws, may be puniſhed without favours. Ia. 4. p. 3. c. 29 Ia. 3. p. 13. c. 90.

For what cauſes Iuſtice court ſuld be halden.

The juſtice aire or court being proclaimed at the Kings command, to be halden ſik ane day as he pleaſis, and in the head burgh of the Schire: The juſtice ſuld cauſe dittay to be taken vp be his clerkes diligently and faithfully: For the dittay is the principal and chiefe ſubſtantial poynt of the Iuſtice aire; and the juſtice ſuld follow the ordour thereof.

Dittay, & for quhat crimes it may be taken vp.

Dittay may be taken vp, vpon all crimes perteining to the juſtice, and his juriſdiction, as is manifeſt be the actes of Parliament. Reade the word Dittay in the Table of the ſaidis actes, and als vpon the crime of leſe-majeſtie, or treaſon: As the death of the King, ſedition within the Realme: betraying of the Kings hoiſt or armie: Breaking of the Kings protection: Fraudfull hyding

hiding & conceiling of ane huird or treaſure, wilfull fire, robbery, raviſhing of weemen, murther, ſlaucht͡er, thieft, foreſtalling, all kinde of falſed in doing of juſtice, in money, aſſiſe, weichtes, meaſures, writs: And generally, all vther like crimes, quhilk be the law are puniſhed be death, or cutting of ane member. *Lib. 1. c. 2. Leg Mal. Mak. c. 3. Aſſ. reg. Da. c. nullus 17. de Iudic. c. Placitorum 8.* Mair-over, the Iuſtice general may ſet particular juſtice Courtes vpon ony maner of crimes, quhen neede is, for puniſhment of particular faultes that occurris. Sik as recent ſlaucht͡er, mutilation, raviſhing of weemen. Quhilk hainous and capitall crimes may be firſt criminally perſewed before him. And as for depredationes, ejectiones, ſpuilzies, the ſamin being firſt civilie diſcuſſed before the Civill judge ordinar, thereafter may be criminally perſewed before the juſtice and his deputes, at particular diettes, ſet and appoynted therefore, or be way of dittay in the juſtice aire. Iam. 5. p. 4. c. 33.

Dittay may be taken vp twa maner of waies; privatly and publickly: For the juſtice and his deputes may privily take vp dittay, be privy inquiſition of malefactoures and their receptours, be the aith of three gud honeſt and faithfull men, and of the principall men: ſik as the Chalmerlaine or officiar within ilk village or towne. *Stat. Alex. c. 2.* And mair-over, all Lords & headſmen of all partes of this realme, ſuld giue vp dittay vpon notour treſpaſſors, without exception of ony perſon, to be taken and juſtified without remiſſion. Iam. 3. p. 13. c. 94. And ſuld make trew relation there-anent to the Chancellar or juſtice. quheñ they ſalbe required. Ia. 3. p. 14. c. *98*, And gif they be convict be ane aſſiſe in the contrair, they ſall perpetually tine their court, in all time cumming. *Lib. 4. c. Aſſyſa. 20. ſtat. Wilh. c. Aſſyſa. 5.* Secondly, the juſtice ſuld direct publickly the brieue of dittay to the Schireff and his deputes, for taking vp of dittay, quhairof the tenour followis.

Wilhelmus &c. Iuſtitiarius Domini noſtri regis generaliter conſtitutus, Vicecomiti & Balliuis ſuis de E. ſalutem. Quia in dictamenta Regia, Deo duce, decimo die menſis. N. proximè futuri, cum continuatione dierum, apud F. infra vicecomitatum veſtrum levare intendimus, vobis præcipimus & mandamus, quatenus ſummoneatis, ſeu ſummoneri faciatis, legitimè coram teſtibus legalibus, de qualibet baronia, duodecim vel quindecim homines, ad hoc opus magis ſufficientes. Et de qualibet tenendria, ſeu villa quatuor vel ſex homines. Et de quolibet burgo, duodecim, vel ſexdecim burgenſes, ad hoc opus magis ſufficientes, ſecundùm quantitatem locorum & numerum perſonarum, in iiſdem exiſteñ, vna cum ſeriando, fabro, molendinario, braſiatore, & ſectatore, cuiuſque baronia, villa ſeu tenendriæ. Quod compareant coram clericis noſtris, pluribus aut vno, dictis die & loco, cum continuatione dierum, ad ſurſum reddendum indictamenta regia. Et faciendum ac ſubeundum, id quod in hac parte, iuris ordo requirit. Et ſitis vos vicecomes, & balliui veſtri, ibidem coram clericis noſtris, dictis die & loco, cum continuatione dierum. Habeñ, vobiſcum ſummonitionis veſtræ teſtimonium, & hoc breve. Prouideatis etiam pro expenſis dictorum clericorum, quas vobis in primis eomputis, de exitibus iuſtitiariæ reddendis, faciemus plenius allocari. Et hoc nulla tenus omittatis ſub omni pœna, quæ competere poterit in hac parte. Datum ſub ſigillo officij noſtri iuſtitiariæ. Quhilk briefe, the Schireffe ſulde reporte at the daye appoynted, in the place, quhair

the dittay ſuld be taken vp, to the juſtice Clerke, & twa witneſſes at the leaſt with him, for to verifie the execution of the brieve, to be lauchfullie done, conforme to the command of the juſtice. Cõforme to the precept & command abone written; the juſtice clerk ane, or maa, conveenis the day, & in the place appoynted, & there remainis ſuſteined vpõ the Schireffis expenſis (quhilk is allowed to him in his compts, of the iſſues & profites of the juſtice aire) & takis vp dittay be the relation, & diſpoſitiõ of the perſons ſũmoned, for the giuing vp thereof. Quhilk dittay they ſuld keip quiet, and ſuld nawaies reveale the ſamin to ony perſone, or tranſlate it vtherwaies then it was giuen to them, nor change names, ane forane vther: nor put out ony furth of the rooles; bot lauchfullie and trewlie ſuld reporte and deliuer the ſamin to the juſtice, & his deputes. Ia. 2. p. 6. c. 28. Dittay ſuld be giuen vp be vertue of the Kingis cõmiſſion, direct to Earles, Lords, Barronnes, Knights, and ſpeciall Landed Gentle-men: And be foure of the Councell of euerie Burgh, quha ſall mak & giue vp dittay, be their awin knawledge, or be ane ſworne inqueſt, or ſworne particular men: vpon all perſones ſuſpect culpable of the crimes and faultes, perteining to the jurisdiction of the juſtice and his deputes. Ia. 6. parlia. 11. cap. 81. Quhilk ſuld be likewiſe keiped quiet and reported, as ſaid is, to the juſtice. And dittay being taken vp, vpon ony crime againſt ony perſones: Neither judge, bot the juſtice and his deputes may mell therewith. Like as the Wardaine on the Bordoures, in his wardaine courte, may nocht intromet with ony thing that perteinis to the dittay of the juſticeaire. Ia. 2. p. 11. c. 42.

The portuous

The dittay taken vp, in manner foreſaid, The juſtice Clerke, at command of the juſtice, makis ane Catalogue, conteinand the names of the perſones indited: And vpon quhom dittay is giuen vp, quhilk is called ane portuous. Together with ane vther Catalogue, quhilk conteinis the particular dittay, giuen and taken vp, vpon tranſgreſſoures & maleſactoures, called the *traiſtes*.

Traiſtes

Baith the ane, and the vther, is deliuered be the Iuſtice Clerke, to the crowner: To the effect, that all the perſones quhais names are conteined in it, may be attached, and arreiſted be him to compeir in the juſtice aire, to anſwere to ſik crimes as ſalbe im-put vnto them. Iames. 1. par. 13. cap. 139. Ia. 3. p. 14. c. 99.

Attachments arreiſtments, and forme thereof.

The Crowner, in making his arreiſtmentes, ſuld paſſe to the habitation and dwelling place of the perſones, giuen to him in portuous, and thereafter make proclamation at three Paroch Kirkes, vpon feſtuall dayes, and take ſouertie of them, ſick as hee will ſtande for to the Kinge. And gif the perſones ſwa arreiſted, bee nocht ſtreinzieable The Crowner ſall arreiſt there gudes, and put them in ſure keeping, to the Kings vſe, quhill the ſaide ſouertie be founde: Or elſe take their perſones, and put them in the Kingis Caſtle, gif ony be within the Schire. And gif there be na Caſtle: he ſuld deliuer them to the Schireffe to be keiped. Ia. 5. p. 3. c. 5.

And mait-ouer, becauſe ſindrie perſones indited, vſis to flie and abſent them ſelues, ſwa that the Crowner can nocht apprehend them perſonallie, to arreiſt them: In that caſe: it is ſufficient that the Crowner

cum

eum to the dwelling place of the ſaidis perſones, and make them warning, and charge to compeare in the juſtice aire nixt following, to aunſwer to ſik accuſationes of crimes, as ſalbe im put vnto them. And thereafter vpon the nixt Sabboth daye following the ſaid charge, the Crowner ſall make open and publick intimation of his warning charge & premonition, maid to the ſaidis perſones, be their names, in their Paroch Kirkes. Quhilk charges, premonitiones, and intimationes, ſall ſtande to them for ſufficient arreſtments, the ſamin being lauchfullie proven, as effeiris of the Lawe. Iam. 5. p. 4. c. 33.

And mair-over, gif hee cannot attache ony man perſonally, be reaſon of his abſence; hee ſuld arreiſt all his gudes moveable, and vnmoveable, to remaine vnder ſure pledges, and to be foorth cummand to the King: In caſe he be nocht aunſwerable to the lawe, before the juſtice. *Leg. Mals. Mak. cap. 1.*

The Crowner ſall arreiſt at all times, alſweill before the crye of the aire, as after the ſamin, all them quha are given to him in portuous, be the juſtice Clerke, and nane vthers. Iam. 1. Parlia. 13. c. 139. Bot all arreiſtmentes ſuld be maid before the time of the beginning of the juſtice aire, and ſeate of juſtice, and na waies after the ſamin. Iam. 3. Par. 7. cap. 58. All perſones charged to compeir in the juſtice aire, ſuld be attached and ſummoned be the auld Lawe of the Realme, vpon the ſpace of fourty dayes at the leaſt. *Aſſ. Reg. Da. c. ad ſummonitiones* 19. And al-be-it na man ſuld be attached or arreiſted, except dittay be given vp vpon him. *Stat. Alex. c. 2.* Nevertheleſſe, in attachments or arreiſtmentes of ony perſon indited, na mention ſuld be maid of the cauſe or crime, for the quhilk he ſuld be indited; bot the ſame ſuld be concealed be the Clerke, and na waies revealed be him. *Stat. Wilh. 6. ſtatuit etiam 6. leg. Foreſt. c. Si aliquis 52. Quoniam attach. c. Si quis 49. Aſſ. reg. Da. c. 6.*

All the indwellers within the towne or village, ſuld concurre and aſſiſt the crowner, in attachment or arreiſting ony malefactour, to compeir in the Iuſtice aire, to vnderly the Law. *Stat. Alex. c. 2.* And ſik like, quhen the crowner receivis his portuous, conteinand the name of ony perſon indited, quha will not obey him, or quhom he dare not, nor is not of power to arreiſt, hee ſall paſſe to the Lord of the Barronnie, quhairin that perſon dwellis: Vtherwaies, gif he dwellis not within ane Barronnie, he ſall paſſe to the Schireffe of the Schire, and require them to be borgh and ſovertie, to enter the ſaide perſon to the juſtice aire; quhilk gif the Barronne or Schireffe refuſis, the Crowner ſall require them to ſende their officiars, and ſufficient number with them, to fortifie and ſupply him, in making of his arreiſtment, taking and keiping of the ſaid diſobedient perſon, quhill he be brocht to the Schireffe to be keiped be him, vntil the time of the juſtice aire. Iam. 3. p. 14. c. 99. Mair-over, the crowner ſall bring all perſones arreiſted be him, quha hes not, or may not finde borrowes to the Schireffe of the Schire, quha ſall receiue him in ſuertie and firmance, vpon the Kingis expenſes; and quhair it failzies, on their awin gudes, quhill the nixt juſtice aire, and there preſent them to the juſtice. Ia. 3. p. 14. c. 102.

Arreiſting of diſobedient perſones.

The Crowner, or makers of the attachements and arreiſtments, ſuld not intromet or carrie away ony guds or geare perteining to the perſones attached: Bot the Lord, or officiar of the towne, ſall ſuſteine them reaſonably, vpon the expenſes of the ſaid perſon, be the ſpace of ane day and ane nicht. *Stat. Alex. c. 2.* And gif the ſaide perſon cannot be perſonally apprehended: The Crowner may remaine in his dwelling-houſe ane day and ane nicht, and ſuld be ſuſteined with twa ſeruandes, and vther twa as witneſſes, and his clerke ſuld haue twa ſchillings, and ſa may nocht take any mair of the guds and geare perteining to the ſaide perſon attached, albeit he be abſent. *Leg. Malc. Mak. c. 1.*

Attachments and arreiſtments maid be Crowners and ſerjandes, may be proven be them and witneſſe. Ia. 3. p. 7. c. 52. That is, be the aith of the Crowner, & ane witnes conforme to the auld conſuetude. Ia. 5. p. 4. c. 33.

The crowner ſall haue for his fee, for ilk man amerciat or componand, ane colpindach, or threttie pennies. For him that is clenged be ane aſſiſe, the crowner ſall haue na thing. For ane man filed or condemned, the crowner ſall haue all the dantoned horſe not ſchod. *Leg. Mal. Mak. c. 1.* Qubilk is to be vnderſtand, of dantoned Horſe, depute to warke, and not to the ſadle; that was never ſchod, nor vſed to ſchoone. Iam. 3. p. 14, c. 113. The Crowner ſuld haue all the cornes lyand in binges and mowes, caſten and broken, all the in-ſight, vtenſile and domicile, within the inner parte of the houſe: That is, within the cruik hingand vpon the fire: And all and ſindry ſcheip within twentie: And all the Swine and Gaites within ten. *Leg. Mal. Mak. c. 1.* Attachments and arreiſtments being maid, or directed to be maid, or in the time of the making thereof: The juſtice generall directs ane charge, called *præceptum itineris Iuſtitiariæ*, to the Schireffe and his deputes in manner and forme following. *Wilhelmus Iuſtitiarius domini regis generaliter conſtitutus, Vicecomiti & Ballivis ſuis de E. ſalutem. Quia ordinamus iter iuſtitiariæ domini noſtri regis, Deo duce teneñ, de tota ballia veſtra, apud E. Decimo die menſis N. proximè futuri, cum continuatione dierum. Vobis præcipimus & mandamus, quatenus ſummoneatis, ſeu ſummoneri faciatis, legitimè & coram teſtibus legalibus, omnes Epiſcopos, Abbates, Priores, Comites, Barones, & cæteros liberè tenentes, totius ballia veſtræ qui ſectas debent. Ac etiam omnes illos, qui nihil niſi ſuas debent præſentias, qui de Domino noſtro rege tenent in capite. Quod compareant coram nobis ſeu deputatis noſtris, pluribus aut vno, dictis die & loco, cum continuatione dierum, ad perficiendum, ſubeundum, & determinandum, id quod in hac parte, iuris ordo poſtulat. Præmoneatis etiam, omnes indictatos, tam de novo, quam de veteri, & ſuos plegios, qui nondum coram nobis comparuerunt, & iudicium ſubierunt, ac etiam illos, qui proſequi habent, vel defendere in dicto itinere, ſecundum formam iuris. Quod compareant coram nobis, ſeu deputatis noſtris, pluribus, aut vno, dictis die & loco, cum dicta continuatione dierum, ad perficiendum & ſubeundum, id quod in hac parte iuris ordo requirit. Et ſitis vos Vicecomes & Ballivi veſtri, ibidem, dictis die & loco, cum dicta continuatione dierum, habeñ, vobiſcum ſummonitionis, ac præmonitionis veſtra teſtimonium, & hoc breve. Provideatis inſuper pro expenſis noſtris, benè & competenter. Quas vobis, in veſtris primis computis, de exitibus Iuſtitiariæ reddẽdis, vobis facimus plenius allocari: et hoc nullatenus omit.*

emittatis, ſub omni pœna, quæ competit in hac parte. Datum ſub ſigillo noſtri officij Juſtitiariæ.

Quhilk precept and command is conforme to the Lawes of this realme: Becauſe all free-halders, haldand landes in chiefe of the King, within the Schireffedome, quhair the juſtice aire is halden, ſuld compeir & be preſent all excuſe ſet aſide, except the ſame be of ſeiknes, the kings ſervice, or tinſell of landes and heritage: To certifie and informe the juſtice and his deputes, in ſik queſtions and doubtes, quhilk incidently ariſis, as emergent, & of before could not be fore ſeene nor knawen. *Aſſ. reg. Da. c. ſtat. 18. Quon. att. c. ſtat. 77.* Sikas Biſchops, Abbots, Priors, Earles, Barrones, and vther free tennents, being ſummoned and warned to that effect, *Quon. attach. c. ad ſummonitiones 78. l. 4. Stat. 19.* And they being lauchfully warned & not compeir-and, incurris the paine of the vnlaw of the court. *Lib. 4. c. ſtatutum. c. 19.* And may be puniſhed as favoureis of the tranſgreſſours, and airt & pairt with them. Iam. 4. p. 3, c. 29. And they and all vther the Kings lieges, ſuld cum to the juſtice aire, and to all vther courtes, in ſober and quiet maner, and ſuld not bring with them maa perſones then ar dailie in their houſhald and families. And being cum to their Innes and ludgeing, ſuld laye their armour and weapons from them, and vſe na weapons, bot their knife. Iam. 2. p. 12. c. 83. Mair over, all Lordes, Spiritual and Temporal, Barronnes and vthers, cummand to the juſtice aire, ſuld na waies mainteine, fortifie, ſupply, defend, nor be Advocattes, nor ſtand at the Bar, with manifeſt traitoures, men-ſlayers, thieues, rievers, nor vther treſpaſſoures, nor perſones perteining to themſelues, or vthers: Saifand, it ſall be leaſum to them in ſober waies, to ſtande with their kin and friends, in defenſe of them, in their honeſt actions. Ia. 3. p 14. c. 98. Quhen the juſtice aire is to be halden vpon the Bordoures: The Wairdaines, within their Wardainries, and their deputes, with the free-halders of the Schireffedome, being warned thereto be the Schireffe, be open proclamation, ſuld convoy the juſtice and his deputes, to the place appoynted, for halding of the Court: And accompanie them, in-during their reſidence, and vntill they be out of the boundes of their Schireffedome, and received be the nixt Schireffe. Ia. 6. p. 11. c. 81.

In the juſtice aire, ſuld compeir all perſones attached and arreiſted, conforme to the dittay given and taken vp vpon them, quhairof, ſome were arreiſted of before, to haue compeired in the juſtice Courte proceeding, alreadie ended and expired, and compeired not in the ſamin: quhais names ar given to the Crowner, to be of new attached and arreiſted, to the aire following, as of before: Vthers ar of new indited, vpon quhom na poynt of dittay was taken vp, in ony time by-gane, quhais names ar comprehended in ane Catalogue, called portuous. All the foreſaids perſones indited, baith of auld and of new, ſuld be attached and arreiſted be the Crowner, to compeir & vnderly the law, the time of the juſtice aire, as is manifeſt be the precept foreſaid, direct be the juſtice generall, to the Schireffe.

All perſones arreiſted, that may be apprehended, the time of the aire, in the Tolbuith, or in the towne, quhair the juſtice is, ſall be taken & delivered to the juſtice, to be juſtified for their crimes and treſpaſſes. Swa that the ar-

reſtment be maid before the time of the beginning of the juſtice aire, and ſeate of Inſtice. Iam.3.p.7.cap.57. And quhair landes lyand in ſindrie Schireffedomes, are annexed and vnited in ane Barronnie: The inhabitantes thereof, ſall aunſwer in the juſtice Courte, quhair the landes lyis, and the Lorde, or proprietar of the landes annexed, givis preſence or ſervice, in the court of the Schireffdome, within the quhilk the barronie lyis, to the quhilk the landes ar annexed. Ia.4.p.6.c.93. For in this caſe, reſpect and conſidderation is had to the naturall ſituation of the lands, and to the juriſdiction, within the quhilk they lye: rather nor to the imaginar, and civil forme of lying, of the landes be annexation.

Inhabitants of annexed landes

Attour, all inhabitantes of ſtewardries and baillieries, ſal cum to the head burgh of the Schireffdomes, quhairin they lye: And within the quhilk head burgh, the Kings juſtice aires ar halden. Ia.6.p.11.c.81.

Stewardries & Baillieries

The judge in the Kingis juſtice aire, is the Kingis juſtice generall, or the Kingis baillie, in his regalles, havand lauchfull power & commiſſion granted to them. Ia.2.p.3.cap.9. For the King, or the juſtice generall, may make aucht deputes, quha with ane depute of the Theſaurar, and ane vther of the juſtice Clerke, ſuld paſſe ſeverallie throw the aucht quarters of the realme, & hald juſtice Courtes. Ia.6.p.11.c.81.

The Judge

The juſtice general, ſuld haue for his ſuſtentation, ilk day of the aire, fiue pound. Like as the juſtice Clerke ſuld receiue for ilk man clenged be ane aſſiſe, and drawen furth of the rolles, four pennies. And for ilk man amerciat, or componand, ij.s. *Leg. Mal. Mak.c.2.* For ilk Actorney and commiſſiion, twa ſhillings. For ilk man quha producis ane remiſſion, twa ſhillinges. For ilk man that cummis in the juſtice will, twa ſhillinges. For ilk man convict and filed, twa ſhillinges. For ilk Letter of witneſſe, ſex ſhillinges, aucht pennies.

The Iuſtices expenſes

The Schireffe ſuld be preſent, as he quha is warned be the juſtice precept to anſwer to all the poyntes thereof: And toutching the execution of his office, togidder with the Crowner, quha ſuld aunſwer for his attachments and arreiſtments, & verification thereof: And the Schireffe, with the Crowner, ſuld thoill ane aſſiſe, the laſt day of the aire, anent the vſing & execution of their offices, to quhom Iuſtice ſuld be miniſtrat, as they ſalbe founde innocent or culpable. Ia.3.p.14.c.103.

The Schireffe The crowner.

The forme of the court.

1 The day of compeirance being cum, to the quhilk the juſtice aire is cryed and proclaimed: The juſtice and his deputes, ſuld compeir with all vther perſones, charged and commanded to concurre and aſſiſt with them. At the quhilk time, the ſutes ſuld be firſt called, with their Lordes. For albeit the Suitures compeir nevertheleſſe, the Lords and maiſters ar obliſhed likewiſe to compeir, and giue preſence to the juſtice in his aire: They being lauchfully ſummoned and charged to that effect, be open proclamation, and be the juſtice precept abone written.

The ſute of court.

2 The Commiſſion and power given to the juſtice, ſuld be produced & red: And gif the Commiſſion be given and granted to maa perſones nor ane conjunctlie, they ſuld be all preſent; vtherwaies it is na lauchful court. Bot gif they be conſtitute conjunctly and ſeverally: It is ſufficient that ony

Commiſſion.

ane of them be preſent. And mair-over, the juſtice may not make and conſtitute deputes or ſubſtitutes vnder him, except he haue ſpeciall power in his cõmiſſion, to do the ſamin. *Lib. 4. c. ſi vnus 27.* 3 Thridly, the judge ſuld begin and ſenſe the court, conforme to the common ordor and conſuetude vſed and obſerved. Ia. 6. p. 11. c. 81. Quhilk ſuld be done at elleven houres beforne noone. Ia. 6. p. 11. c. 86. 4. Fourthly, the court beand affirmed, the dempſter ſuld be called and cauſed to be ſworne, that hee ſall lealelie and trewlie vſe & exerce his office. 5 Fiftlie, the ſutes ſuld be called. Ia. 6. p. 11. c. 81. zit againe as of before ilk man, twiſe with their Lords and maſters, and the abſents decerned to haue failzed, and therefore ſuld be vnlawed, & gif baith the ſuiter and his Maiſter be abſent, ilk ane of them be themſelues ſuld be amerciat.

The ſenſing of court

The dempſter.

The ſutes

6 Sextly, the aſſiſors being ſummoned be ane precept direct be the juſtice to that effect, ſuld be called, ilk perſon vnder the paine of fourty poundes, and the juſtice may cheiſe ane or mae, as he pleaſis, of the beſt and maiſt worthy of the cuntry, before quhom the haill accuſation, reaſoning, writs, witneſſe, and vther probation, and inſtruction quhatſumever of the crime, ſalbe reaſoned and deduced in their preſence; and alſo in the preſence of the partie accuſed, in face of judgement. Iam. 6. par. 11. c. 60. 61. And it is to wit, that he quha givis vp dittay vpon ane vther, ſuld not paſſe vpon his aſſiſe. Ia. 1. p. 4. c. 50.

The aſſiſe

7 The juſtice ſuld proceed in his court, & put the offenders, gif ony be alreadie in priſon, to the knawledge of ane aſſiſe, and miniſter juſtice vppon them, as they ſalbe found innocent or culpable. Ia. 6. p. 11. c. 61.

The perſons attached

8 He ſall cal thereafter the pledges and cautioners of perſones attached, quha faund ſovertie before the juſtice ony time preceeding, at ony particular diet or court, to compeir the thrid day of the aire, or ſooner, vpon fifteene daies warning. Ia. 6. p. 11. c. 81.

9 This being done, the clerke ſall viſit and conſidder the haill rolles and journel, and cal all them quha are abſent from the aires preceeding. Vpon quhais heads and names is written, *Prima dies, ſecunda dies, tertia dies*: Be the quhilk, hee vnderſtands, fra quhat aire or court they were abſent. And that they may be therefore amerciat, ilk ane of them be them ſelfe, be reaſon of their abſence. And gif the ſaids perſons nocht compeirand of before, nowe compeiris and ar preſent: The Clerke ſall luike the auld dittaies and rolles, and accuſe them, conforme thereto, in the beſt maner he may gudly. And gif there be na particular poynt of dittay, or accuſation, he ſal lay common dittay to their charge.

Pledges of entres of vthers

10 Thereafter the juſtice ſall call the perſones newly in-dited and arreiſted; And gif they or ony vther of the arreiſted perſones foreſaidis, compeire, they ſuld be preſented to the court, and to the Schireffe, quha ſuld anſwer for them, vntill juſtice be done vpon them.

11 They quha ar attached, and compeiris not, may na-wayes be accuſed for their not compeirance, bot be the Kings ſervice, quhilk ſuld be verified be the Kings letter, produced in Court: or be reaſon of ſeikneſſe: Quhilk be the auld Lawe, was tryed be ane aſſiſe, quhidder it was trew, or feinzied:

Albeit the partie was abſent. *Stat.2. Rob.Br.c.5.* Bot now it ſuld bee proven and verified be the Miniſter of the Paroch, within the quhilk the perſon excuſed dwellis: And be twa witneſſes perſonally compeirand in judgement. Iam.1.p.9.c.114. And concerning perſones abſent, it is generally ordained, that every Barrone and free-halder, ſall ſunſwere in the juſtice aire, for his awin men, dwelland vpon his awin proper landes, tackes, ſteadinges, rowmes, and baronies, and ſalbe halden to enter to them, or elſe anſwere to the King, for their vnlawes. Iam.5.p.3.c.6. Quhat is the vnlaw in the juſtice aire. *vid. Amerciamentum.* Bot for the better vnderſtanding of the laws, concerning fugitiues and abſentes: It is to wit, that the auld lawes of this realm, gif the partie defender being lauchfully warned compeired not, bot ſende ane eſſoinzie or excuſe; the ſamin being reaſonable, was receiued and admitted to the judge, three ſindrie dayes or courtes: And gif he compeired afterwarde, and verified not his eſſoinzies to be lauchful, he was diſtreinzied and poynded therefore. Bot gif he neither came, nor ſend ane excuſe: The partie perſewer compeared at lauchfull day and time of court, and offered him reddie to perſew, quhilk he did be the ſpace of three dayes. And the thrid courte beand by-paſt, the defender was ſummoned to compeir the fourth day: The quhilk fourth court was peremptour, becauſe *ſentence definitiue* was given againſt him, conforme to the claime and petition, gif hee compeired not. *Lib.1.c.ſummonitus 9.* The like forme and ordour of proceſſe was obſerved in juſtice courtes. For mention is maid of the firſt aire. Ia.3 p.13.c.94. And of the ſecond aire. Iam.5.p.4.c.32. And of the fourth court. Ia.3.p.14.c.101. And gif ony perſon indited, and lauchfully attached, compeired not, the ſaid three courtes, his pledge or law-borgh was called and amerciat for the firſt, ſecond, and thrid court, and at ilk time after ilk ane of the ſaids courts, the ſaid pledge was poynded and diſtreinzied, and the diſtreſſe or poynd was letten to borgh, and maid free vnder caution, that the ſaid perſon indicted, ſuld compeir in the nixt aire following, to vnderly the law. And gif he was abſent at the fourth court, the peremptour doome was given againſt him: That ſik ane man was in ane amerciament, & at the kings horne, and his landes and all his gudes eſcheit to the King, except he come within fourtie dayes, and did bide the lawe: And thereafter the court beand ended, the ſaid perſon was denunced rebell, and put to the horne openly at the mercat croce of the head burgh of the Schire. Quhilk forme of proceſſe, was ſa lang and prolixt, that in mony zeires parties hurt and grieved, get na juſtice: And treſpaſſoures and crimes paſſed vnpuniſhed: quhilk was the occaſion to mony perſones to commit crimes, truſting na haſtie punition nor correction to follow. Therefore King *Iames* the Fifth, ſtatute and ordained, that the proces of juſtice aire, and juſtice courtes, ſuld be peremptour at the ſecond aire or court, ſwa that fugitiues not compeirand at the ſecond aire or court, ſuld be denunced the Kings rebell, and put to his horne, and all their guds his eſcheit. Ia.5.Par.4.c.32.

The fourth court

The ſecond court

12 Hereafter the Lordes of regalitie may deſire their men to be remitted to their awin Iuſtice Courte, and replege them, ſchawand their commiſſions, power, & paiand therefore; & liuand ane caution behinde them, called

Culrach

Culrach, quha ſalbe acted and obliſhed in the juſtice Court, that juſtice ſalbe done and miniſtrat in the court of the regalitie, to the party compleinand vpon the perſon repleged. *vid. Culrach.*

13 The juſtice or his Clerks, ſall demand & ſpeare at the Baillies of Burrowes, gif they be reddy to preſent ilk burges within their burgh, indited to the Kings juſtice aire: Quhilk perſons ſuld al enter perſonally before the juſtice, vnder the pain of ane vnlaw and amerciament of court: quhais names the ſaids baillies ſall put in writ, and deliver the ſamin to the juſtice or his clerks. And gif they will borrow or repledge their ſaids nichtbours; they ſall ſchaw their commiſſion, and pay therefore: And thereafter they ſal draw, or obliſh themſelues, their Commiſſion, and burgh in pledge. That thay perſons quhom they repledge, and quhais names they giue in write, ſall be furth-cummand, and anſwerable to the lawes, and challenge of the juſtice. At the quhilk time, he and his deputes ſall aſſigne to them ane certaine day, to vnderly the law, either in that aire, or thereafter, quhen he ſal think ſpeedful. And at the ſamin time, it is leaſum to the kings juſtice, ſittand in the principall burgh of the royaltie, to giue ane aſſiſe to all the ſaidis burgeſſes, repledged of their awin nichtbours, that beſt knawis the verity, dwelland in the ſame burgh with them. And gif there be not ane ſufficient number of the ſaid con-burgeſſes: It ſalbe leifful to chooſe ane aſſiſe of the burgeſſes of the ſaid head-burgh, quhair the Iuſtice and his deputes ſittes, as he ſal think expedient. Ia. 4. p. 1. c, 1. Repleigiadem of burrowes

14 Gif the partie accuſed compeirand, alleagis to his remiſſion or reſpet, he ſal produce the ſamin in courte, and ſall finde ſicker borrowes to aſſith & content the partie compleinand, within fourty daies following: Quhairvpon ane act is maid in court, quhairby he and his cautioner ar obliſhed to aſſith and ſatisfie the partie, within the ſpace foreſaid: Quhilk is called, the acte of Adjournall. And gif he refuſis to finde caution, he ſall remaine in the Kingis priſon, quhill the ſaid fourty dayes be run, and then his remiſſion ſal be expired, and of na value. Ia. 2. p. 14. cap. 75. And in this caſe, quhen onie man takis him to his remiſſion, reſpet, or compoſition, in the juſtice aire, or juſtice court, and findis ſovertie to aſſith the partie: It is leaſum to the partie to call the ſaid ſovertie before the Lordes of Councell, conforme to the act of Adjournall, maid there-anent. Ia. 5. p. 3. c. 7. As gif ony man becummis ſoverty for ane vther, anent ſpuilzie committed be him, and for reſtitution or ſatisfaction to be maid be him therefore. Hee as ſovertie may be called and conveened for the gudes ſpuilzied. For the violent prices thereof, for the damnage, skaith, and intereſt ſuſteined be the perſewer, throwe the committing of the ſaid ſpuilzie. *10. Martij. 1500. William Keith*, contrair the Earle of *Caithneſſe*. And the ſaid ſoverty being condemned, hes gud action againſt the principal party for his reliefe, be ane ſimple charge vpon ſex dayes warning, without peremptour ſummondes, or ordour of table. *11. Iulij. 1543.* Remiſſion, or reſpet

15 Gif the perſon attached compeiris in the Courte, and be and accuſed, hes na relevant exception, or reaſonable defenſe, of neceſſitie he ſuld paſſe to the knawledge of ane aſſiſe, conforme to the Lawes of the Realme.

At the quhilk time, the haill aſſiſours ſuld be called, and the abſentis amerciat. Ia.6.p.11.c.76. And the partie accuſed, ſuld be heard to propone all and ſindrie his lauchfull defences, againſt the haill aſſiſours, or ony of them, to repel them, as he may beſt of the law, and ſtay them to paſſe vpon his aſſiſe.

Perſons cummand in will.

At this time the perſon compeirand and accuſed, cummis in the will of the juſtice, or he is clenged be ane aſſiſe: or he is filed and convict. Gif he ſubmittis himſelfe, and cummis in will, It is leaſum to the juſtice, to draw him furth of the rolles, and to declare his will, and to charge him to paye ane compoſition, or ſik ane ſumme of ſilver, as hee pleaſis to modifie, after the qualitie of the crime and perſon, for vp taking and in-bringing quhairof, the juſtice aire being ended: The juſtice directis his precept, called, *Præceptum extractus itineris inſtitiariæ*, in this forme.

The precept of extractes

Wilhelmus iuſtitiarius generalis, Vicecomiti & Ballivis ſuis de E. ſalutem. Quia in itinere iuſtitiariæ Domini noſtri regis, per nos vltimò tent. apud. F. decimo die menſis. N. Anno Domini &c. Diverſi fuerunt amerciati, & proſuis delictis convicti, & in noſtra voluntate poſiti. Quare vobis præcipimus & mandamus, quatenus de infra ſcriptis perſonis ſubſcriptas ſummas levari faciatis & pro eiſdem ſecundùm formam iuris diſtringatis. Et primò de N. ſummam &c. De quibuſquidem ſummis ſolvatis pro expenſis noſtris in dicto itinere ſummam. N. Reſiduum verò dictarum ſummarum ſolvatis cofferariis Domini Noſtri Regis: Vel cui vobis aſſignabitur infra tempus legittimum, hoc eſt infra quadraginta dies primum diem dicti itineris proximè & immediatè ſequen. Et hoc nullo modo omittatis.

Perſons charged.

Quhen ony perſon is clenged be ane aſſiſe, the juſtice directis his Teſtimoniall, called *Litera teſtimonialis de homine mundato per aſſiſam*, in manner following.

Wilhelmus iuſtitiarius generalis, vniverſis & ſingulis ad quorum notitias præſentes literæ pervenerint. ſalut. Noveritis quod comparens coram nobis in itinere iuſtitiariæ Domini noſtri regis, tent. apud. F. decimo die menſis N. anno Domini &c. I. de B. indictatus, & per rotulos Regios calumniatus, de arte & parte talis furti, vel talis rapinæ, vel incendij &c. Quam quidem calumniam dictus I. in facie iudicij penitus denegauit. Et ſuper hoc ad recognitionem aſſiſæ vtique ſe ſubmiſit. Quæ quidem aſſiſa hinc inde diligenter conſulta, Et plenius auiſata, dictum. I. à dictis calumnijs ſibi impoſitis, quittum declaravit, penitus & immunem. Et hoc omnibus quorum intereſſe poterit, notum facimus per præſentes. In cuius rei teſtimonium ſigillum officij noſtri appendi curavimus.

All thay perſons quha cummis in will, and ar drawen furth of the rolles, and alſo they quha are clenged be ane aſſiſe, can na waies in ony time thereafter be called or accuſed for that crime, for the quhilk they cum in wil: for anis quit and clenged, ay quit and clenged. Zit nevertheleſſe, gif ony perſon be accuſed criminallie of life and lim, at the inſtance of ane vther private man allanerlie, and is clenged and maid quite: The Kings juſtice & his deputes, be reaſon of their office, may thereafter tak inquiſition anent the ſaid crime, and in the Kingis name accuſe the committer thereof, conforme to the Law. Notwithſtanding that of before, hee was clenged thereof be ane aſſiſe. *Lib.4.c.Si querela.58.* Becauſe the action or perſute of ane priuy partie, prejudgis not the King in his richt or entres, competent to him, be reaſon

of

of his royall power. And therefore the Thesaurar, and the Kings Advocate, may persew all malefactoures, albeit the parties desist, or privately agree amangst themselues. Ia.6.p.11.c.76.

Quhen trespassoures and malefactoures ar convict, as breakers of the statutes, & acts conteinand dittay, they aucht and suld be punished according to justice, & conforme to the tenour & paines conteined in the acts broken & contraveened be them Ia.4.p.4.c.45. And sa gif the paine conteined in the act be pecuniall, they suld pay the samin. And gif it be capital, they suld vnderly and suffer the samin, except the King giue them remission & speciall grace there-anent. As for example, landed men, lauchfully and ordourly convict of common theift, recept of thieft, stouth, or riefe, incurris the paine of treason, and therefore suld be punished be tinsell of life, and confiscation of landes and gudes. Ia.6.p.11.c.50. Alwaies the Crowner may not intromet with ony guds or geare perteining to ony trespassour, convict and condemned to the death, at his awin hande, vntill the Schireffe or his deputes passe ofsende with him, and visie all the haill gudes, and deliver to the Crowner sa-meikle, as he suld haue be reason, and as perteinis to his office, and bring the remanent to our Soveraine Lord, and his Thesaurar. Ia. 3.p.14.c.102. Persons filed and convict.

The justice aire beand ended; The justice sall deliver the extract thereof, subscrived be him to the Thesaurar, quha sall cause tak vp the summes conteined thereintill, & make compt thereof in the nixt Checker, in the quhilk compt salbe allowed the expenses and charges of the justice, his deputes & clerkes, as the samin salbe modified be the Lords, Auditoures of the Checker. Ia.6.p.11.c.81. The end of the aire.

L

LAST Of gudes, how meikle it conteinis. *vid.* Serplaith.

LET lands to borgh, *dimittere terras ad plegium. vid. Plegius. vid. Recognitio*

LEX *Apparens lib. 4.c.4 de iudic. c.24. Leg Foresl. cap. Item in placito.16.* Signifies the law concerning singular battell. And *lib.4.c.1.* It signifies ane inquisition maid or taken be ane inquest or assise. And in the Law of Normandie. *lib.9 c.10.* It is called *Loy apparisant.* And *lib.8.c.3.* All quarrelles of possessiones or moveables, quhilks ar called *Chattel*, or lands and immoveable gudes, suld be decided be common and simple quarrelles, conforme to ordour of law, or be lawes *Apparisantes*, quhilks ar determinat, ather be singular battell, or be ane inquest of the cuntrie, vtherwaies called, *Loy recognoissant.* It is likewaies called, *lex paribilis, a parium pugna, vel concertatione*, from the combat of peeres and *Campiones*: or *lex duellonum*, quhilk law is vngodly and not to be vsed among Christianes. *Cuia. lib.1. de feud.*

LIBERATIO, Ane fee given to ane servand, or officiar, quhilk is called ane liverie. *leg. Mal. Mak.c.4.* Feodum or fee, is commonly of silver and money, and ane liverie is of meate or claithes. Bot this distinction or difference is not perpetuall.

LIBERVM *Tenementum*, is commonly and properlie called, franck-

tene-

tenement,or life-rent: In Latine,*vsus fructus*,conforme to the dayly practicque of this Realme. And nevertheleſſe,*Liberum tenementum*, ſignifies the propertie,fee,or heritage. *Donatio liberi tenementi,& conceſsio hæreditatis*, is baith ane.*Lib.2.c.poteſt.21.Tenementum Regium*,is called the Kings heretage. *Lib.2.c.Dicitur.74.* In the quhilk ſignification,*Minor dicitur eſſe in tenemento Lib.3.c. Remanere 26.Et placitum de recto & liberis tenementis per breue domini Regis de recto debet terminari. Lib.1.c.6.* And King *Alexander* gaue and diſponed to *Duncan Forbeys*,*tenementum de Forbeys*.That is,the lands and heretage of *Forbeys*.quhilk Charter is zit extant.*vid.Tenementum.*

LIGEANTIA,*Lib.2.c.Fieri.61.* From the Italian worde *Liga*, ane League, bande,or obligation: as *homo ligius*, ane man,quha is obliſhed and bound,fra the quhilk cummis,*Laodium,in libris,feudorum, quaſi poſſeſsio ſine Leode: Cuius poſſeſſor nemini eſt leodes ſine ligius*. And *ligeantia*, is the mutuall band or obligation,betuixt the maiſter and the ſervand. *Lib.2 c.pluribus.14. Lib.3.c.Si quis ſuper.36.Vid.Affidatio.* Item, the mutual band and obligation, betuixt the King and his ſubjectes,quhairby we ar called his lieges,becauſe we ar bound and obliſhed to obey and ſerue him: And he is called our liege King,becauſe he ſuld maintene and defende vs. And the Doctours of the law writs: *Quod imperator dicitur dominus totius mundi, eodem modo quo rex regni.l.benè a Zenone.C.de quadr.præſcript.* Quhilk ſuld be vnderſtand,concerning the defenſe and maintenance,and not anent the propertie.

Homagium ligium. *Quia reges non ſunt domini priuatarum poſſeſsionum. Gloſ.in L.Barbarius de Offic.prætor.Homagium ligium, vel cum legeantia factum*, Is quhen the vaſſal abſolutely makis homage to his ſuperiour,againſt all and quhatſumever perſons,without exception of ony man,quhilk ſuld be done to na vther, bot to the King allanerly.

Non ligium *Homagium non ligium,vel ſine ligeantia*, is that quhilk the vaſſall makis to his Over-lord, excepting and reſerving the fidelitie, quhilk he aucht to the King or his elder over-lord or maiſter. *Lib.2.c.fieri 61.Cheſſanæus in Conſuetud. Burgund.Rubric.3.§.3.Verb. & homag.Nu.10.cum ſeqq* Quhilk vaſſall is called,*vaſſallus non homologus*. Lik as the vther is *vaſſallus homologus*, in quhais aith na perſon is excepted,*Cuiac.lib.2.de feud.*

M

MACHAMIVM, *Mechamium*,from the auld French word *Mehaigne*, quhilk we call Manizie,hurt,mutilation,demembration,or the loſſe or tinſell of ony member of ane mans bodie: Or the breaking of ane bane,or quhen ane mannis harne-pan, or ony parte thereof is cutted away,or dung in.*Lib.4.c.4.Res cum mahamio dicitur res minus ſana. Lib.3.c.ex cauſa 8.* Be the auld Law of this Realme,he quha is mainzied, hes ane juſt cauſe to excuſe himſelfe fra ſingular battell,and zit he wil be compelled to purge,clenge,& defend himſelfe,*Per ignem & aquam .lib.4.c.4.cap.Si quis pro latrocinio 15.Quoniam attach. c.Si quis 58.Lib.4.c.aſſiſa 20.ſtat.Alex.c.quicunque 31.* quhairof the power perteinis not to ony Barronne: For na ſubject may compel ane vther to purge himſelfe be fire or water. *Stat.Alex.c.præterea.32.* This kinde of purgation was ane maiſt ſcharpe and extreame kinde of purgation and trial:

Like

Like as wee daily vſe in common proverb; quhen we ſay be way of menacing and boaſting, that we ſall gar ony perſon pas *per ignem & aquam*; that is, to ſuffer and vnderly that kinde of tryal that is maiſt ſevere and extreame. It is called *Iudicium Dei*, the judgement of God, as knawin to him allanerly. *Iudicium Dei.* *Iter. Camer. c. cum hoc. 25.* And was in great vſe amangſt the *Longobardes*, as is exponed be *Hotomannum de feud, c. 44.* In the auld Saxon tongue, and zit in Dutche, it is called *Ordeil, ordalium*, from, *or*, quhilk they vſe as *privativa particula*, and *Del*, quhilk ſignifies ane parte or portion: quhilke worde wee vſe in the ſame ſignification: and ſwa, *Ordeil* ſignifies innocent, quha hes na parte, or is not participant of the crime quhairof he is accuſed. *Ordalium* Purgation be the fire, is quhen ony man with bair feete, paſſis throw the fire, without ony harme or hurte, or quhen ony man dois carry and beare in his bare hande, hoat burnand Iron, without ony hurte of his hande, quhilk is called, *Ferri candentis iudicium*. In the quhilk caſe, he was decerned to be *Ordeil*, or na-waies participant of the crime. Vtherwaies, gif his fute or hande was hurte be the fire, or hoate Iron; he was condemned, as participant and fowle of the crime. *Purgatio per ignem* And ſik-like, *Purgatio per aquam*, is quhen ony man ſuſpect or accuſed of ane crime, was caſten in hoate or cauld water: And gif he paſſed to the bottome, without ony hurte of his bodie, he was decerned *ordeil*, and innocent. Bot gif he did not fall to the grounde, bot did ſwimme abone, he was condemned as fowle of the crime; as is written in the auld lawes of the Brittones. *Verb. Ordalium.* And be *Cuiac. lib. 2. de feud. Purgatio vulgaris*, is diſcharged be the Cannon Law. *c. dilecti. Extr. de purgatione vulgari. c. extuarum. 8. de purgat. canonica*: And likewaies, be the lawes of this Realme it is forbidden as vnleaſum. *Aſſ reg. David. c. Stat. etiam. 30. In fine vbi profeſſam, lege aquam. Stat. Alex. c. Stat. Dom. 6.* And be the law of God it is cõmanded, that nane ſuld ſuffer their ſonne or dauchter to go throw the fire. Deut. 18. 10. *Purgatio per aquam* *Purgatio vulgaris*

MANELETA, Ane kinde of evill & Peſtilent herbe, quhilk growes amangſt the cornes, called *Guld. de Iudic. c. 7.* The Law of *maneleta*, or of the Guld, was firſt inſtitute be King *Kenneth*, quha ordained that he quha throw his fault or negligence, ſuffers ſawen lands to be filed with noyſum herbes: For the firſt fault, ſall pay ane Oxe: For the ſecond fault, ten Oxen: and for the thrid fault, ſalbe remooved fra the poſſeſſion and laboring of the lande. *Hector Boetius. lib. 10*, And gif ane mailer or tennent, filis the lande with guld, and will not clenge the ſamin; hee may be puniſhed as ane ſeducer, quha bringis or convoyis ane armie within his maiſters land, to wrack and deſtroy it. *Leg. Foreſt. cap. Si nativus 28. de Iudic. c. 6.* And gif thy awin native man, or bondman (*nativus tuus*) hes guld within thy lande: For ilk ſtocke or plantd thereof, he ſuld paye ane Mutton, as ane vnlaw. *Leg. Foreſt. d. c. 28. de Iudic. cap. 27.* The quhilk Lawe and conſtitution is keiped and obſerved within certaine partes of this Realme; quhair the tennent ſufferand the Gulde to growe amangſt his Cornes, payis ane Wedder or Scheip to his maiſter.

MANERIVM, landes laboured with hand warke, *Quaſi manurium, à manu.* Ane mannes, or domaine landes: Or *terra dominicales*: Becauſe they ar laboured and inhabited be the Lorde, and proprietar of the ſamin. Gif *Terra dominicales.*

there be twa mainnes perteining to ony man that is deceaſed: The principall maines ſuld not be divided, bot ſuld remaine with his aire and ſucceſſour, without diviſion: togidder with the principal meſſuage. And full ſatisfaction ſuld be maid to his wife, or relict therefore, foorth of the ſeconde mainnes, or vtherwiſe. *lib. 2. c. Dos autem. 19. de Iudic. 112.*

MANSVS, *A manendo*, ane habitation or dwelling place, ſpeciallie quhair husband-men, labourers of the grounde dwellis a landwart: to the effect they may labour their land mair commodiouſly. *L. Siplures. Nu. 9. C. de condit. inſertis. Molinæus in Stil. cur. part. 3. c. 85.* Bot *Bartol. in l. Si ita. Nu. 10. de Aur. argent. legat.* affirmis, ane Manſe to be als meikle land, as may be gudly tilled be twa oxen in the zeir. *Cuiac. li. 1. de feud.* writtis, that *manſus*, is ſa meikle land, quhairby ane man may ſuſteine honeſtly himſelfe and his familie, & pay the dewtie to his Maiſter, quhilk is called *Haredium*. Bot in the practicque of this realme, it is rather called *Gleba*: That is, ane certaine portion of arable lande. In Latine *Terra culta*, Or *terra, veluti nativi venditi cum gleba, h. e. terra. Qui nativi aſcriptitij vocantur. l. 2. c. pluribus. 14.* And the four aickers of Lande, quhilk is graunted to the Miniſters of the Evangell, within this Land, is called ane gleebe, the quhilk ſuld be free fra paiment of ony teinds. Ia. 6. p. 5. c. 62. And *Carolus Magnus*, to the effect that the Miniſters of the worde of God ſuld not periſh be hunger or povertie, gaue to ilke Kirke ane manſe. For the quhilk they ſuld paye na dewtie or ſervice. *Cuiac. Lib. 1. de Feud.*

Haredium. Gleba

MANVS *Mortua, dimittere terras ad manum mortuam, hoc eſt, ad multitudinem ſiue vniverſitatem, quæ nunquàm moritur.* Quhilk vtherwaies is called *Mortificare terras*: That is, to giue and diſpone landes, to the hande or power of the Kirke, College, Communitie, or ony Vniverſitie, capable to poſſeede, bruik, or ioyes gudes or landes: The quhilk is ſaid, *per antiphraſin ſeu a contrario ſenſu.* Becauſe ſik Kirks, Colleges, Communities, or Vniverſities dois nocht die: albeit the particular members thereof ar mortall, alters, and deceaſis. *Ius Normand. Lib. 5. c. 7.* Quhilk is conforme to *L. Proponebatur. 76. ff. de iudicijs.* Swa *Manus* may ſignifie power, as in the Latine tongue. Or *Manus mortua*, may be conforme to the Scottiſh worde, borrowed fra the Dutch word *Meinzie*, quhilk ſignifies ane multitude, and ſpeciallie of folke and people. And ſwa *dimittere terras ad manum mortuam*, is to giue Landes to ony Vniverſitie, and multitude of people. Alwaies it is not leaſum to ony man to mortifie ony parte of his landes to the Kirk, without conſent of the King. *Lib. 2. c. Notandum. 26.* Becauſe the King may be thereby prejudged in his tennendrie, dewtie and ſervice, fra the quhilk the Kirk-men in auld time were exeemed.

Meinzie

MARK, *In tractatu de ponderibus & menſuris*, ſignifies aucht ounce weicht, or halfe ane pound, quhairof the dram is the aucht part. Like as the ounce is the aucht part of ane marke. *Cheſſa. in Conſuetud. Burgund. Rub. 1. §. 7. Verb. 65. ſolz Turnoys: ſolidus, inquit, in iure capitur pro aureo, quorum. 72 faciunt libram auri. Et duodecim vnciæ faciunt Libram, & octo vnicæ marcam. Gl. & Ia. Fabr. in. §. nos autem. verb. ſolidos. inſtit. de attil. tutor.*

Dram

Solidus Bobra

MARCHETA, King *Evenus* did wickedly ordaine, that the Lorde

or maister of the ground, or Land, suld haue the first nicht of ilk maried woman within the lamin. The quhilk ordinance, was after abrogate be King *Malcolme* the Thrid: quha ordained, that the Bride-groome suld haue the vse of his awin wife. And therefore suld paye ane peece of money, called *Marca. Hector. Boetius, Lib. 3. c. 12.* For the quhilk, certaine Kye was vsed to be payed. *Lib. 4. cap. Scienaum 63.* Bot vtherwaies in my opinion, Marke, or Marche, signifies ane horse: In the auld French, Irish, and Dutch tongues. For in the French tongue, *Marcher*, is to ride or gang: as *Marcher devant*, to ride or gange before. And *Paulus Diaconus Histor. Longobard.* writtis, that *Mar* is called in Latine, *Equa*, quhilk we call ane Meare. *Alciatus de singulari certamine. c. 32. Marcam, inquit, Germani equam dicunt, vnde Marcomanni (qui hodiè dicuntur Moravi) equitatu pollentes populi. Et Marobaduus Rex Marcomannorum, cui corpus instar equi erat.* Mair-over, I finde ane auld constitution, written be *Lotharius Imperator, & Carolus Rex*, in this manner: *Vt missi nostri, in illorum missatijs (h.e commissarij nostri in ijs locis ad quos mittuntur) curam habeant, ne homines nostri, aut alij quilibet, vicinos suos maiores, vel minores, tempore æstatis, quando ad herbam suos caballos mittunt: vel tempore Hyemis, quando Marescalli illos ad fodrum dirigunt, depredentur, aut opprimant.* Be the quhilk it is manifest, that *fodrum* is a Dutch word, *pro pabulo equorum*, quhilk we call fodder, and *marchalcus* or *marescallus*, is a maister of stable, or a servand that hes cure of the Horse: for *March* signifies ane Horse, and *Schalk* in Dutche, is ane servande, as *Godschalke*, the servante of God. And *Alciatus. d. cap. 32.* Affirmis that the troupes of Horse-men, in the armie of *Brennus*, was called *Trimarchisia*, becausse ilk man had three horse. And in the samin signification, we vse the worde, Horse marschel. Quhair horse is adjoyned, for interpretation of the worde Marche. As likewaies in *Silverdowne hill:* This worde Hill, is the interpretation of the vther worde Downe, quhairof the ane and the vther signifies ane thing, in Latine, *Mons*. Swa horse marschel, is ane servand that keips or curis horse, as is commonly vsed within this realme: Quhilk opinion, sindry Germane writers confirmis, and specially the *Scholiastes* of *Guntherus. lib. 8. Austriados*. Swa leavand to ilk man his awin opinion and judgement free to himselfe: I thinke that *Marchetta mulieris*, is the raide of the woman, or the first carnall copulation and conjunction with her, quhilk in respect of her virginitie, is maist esteemed be men. Quhilk interpretation is confirmed alswa be *Cuiac. Lib. 6. de feud.*

Mar.

Fodrum.
Marchalcus

Marche
Schalk
Trimarchisia
Horsmarschal
Downe.

MARITAGIVM *Heredis*, The mariage of ane aire maill or femail, quhilk is modified and liquidat be the Lordes of the Session, to ane certaine summe of money, after consideration of the rentall, and valure of the landes perteining to the aire: quhilk is either legall, or conventionall. The mariage Legall, is that quhilk be the disposition of the Law, perteinis to the superiour and Over-lorde: For the mariage of ane aire maill or femaill, of landes halden be service of warde and relieue, being of lesse age, or being of perfite age, and not maried the time of the deceasse of his father, or vther predecessor, to quhom he is aire, perteinis to his immediat superiour, be the common disposition of the Lawe of this Realme. And gif there be maa superi-

there be twa mainnes perteining to ony man that is deceaſed: The principall maines ſuld not be divided, bot ſuld remaine with his aire and ſucceſſour, without diviſion: togidder with the principal meſſuage. And full ſatisfaction ſuld be maid to his wife, or relict therefore, foorth of the ſeconde mainnes, or vtherwiſe. *lib.2.c.Dos autem.19.de Iudic.112.*

MANSVS, *A manendo*, ane habitation or dwelling place, ſpeciallie quhair husband-men, labourers of the grounde dwellis a landwart: to the effect they may labour their land mair commodiouſly. *L. Siplures. Nu.9.C. de condit.inſertis. Molinæus in Stil.cur.part.3.c.85.* Bot *Bartol. in l.Si ita. Nu.10.de anr.argent.legat.* affirmis, ane Manſe to be als meikle land, as may be gudly tilled be twa oxen in the zeir. *Cuiac.li.1.de feud.* writtis, that *manſus*, is ſa-meikle land, quhairby ane man may ſuſteine honeſtly himſelfe and his familie, & pay the dewtie to his Maiſter, quhilk is called *Haredium*. Bot in the practicque of this realme, it is rather called *Gleba*: That is, ane certaine portion of arable lande. In Latine *Terra culta*, Or *terra, veluti nativi venditi cum gleba, h.e.terra. Qui nativi aſcriptitij vocantur. l.2.c.pluribus.14.* And the four aickers of Lande, quhilk is graunted to the Miniſters of the Evangell, within this Land, is called ane gleebe, the quhilk ſuld be free fra paiment of ony teinds. Ia.6.p.5.c.62. And *Carolus Magnus*, to the effect that the Miniſters of the worde of God ſuld not periſh be hunger or povertie, gaue to ilke Kirke ane manſe. For the quhilk they ſuld paye na dewtie or ſervice. *Cuiac. Lib.1.de Feud.*

Haredium. Gleba

MANVS *Mortua, dimittere terras ad manum mortuam, hoc eſt, ad multitudinem ſiue univerſitatem, quæ nunquàm moritur.* Quhilk vtherwaies is called *Mortificare terras*: That is, to giue and diſpone landes, to the hande or power of the Kirke, College, Communitie, or ony Vniverſitie, capable to poſſeede, bruik, or ioyes gudes or landes: The quhilk is ſaid, *per antiphraſin ſeu a contrario ſenſu.* Becauſe ſik Kirks, Colleges, Communities, or Vniverſities dois nocht die: albeit the particular members thereof ar mortall, alters, and deceaſis. *Ius Normand. Lib.5.c.7.* Quhilk is conforme to *L. Proponebatur. 76. ff.de iudicijs.* Swa *Manus* may ſignifie power, as in the Latine tongue. Or *Manus mortua*, may be conforme to the Scottiſh worde, borrowed fra the Dutch word *Meinzie*, quhilk ſignifies ane multitude, and ſpeciallie of folke and people. And ſwa *dimittere terras ad manum mortuam*, is to giue Landes to ony Vniverſitie, and multitudo of people. Alwaies it is not leaſum to ony man to mortifie ony parte of his landes to the Kirk, without conſent of the King. *Lib.2.c.Notandum.26.* Becauſe the King may be thereby prejudged in his tennendrie, dewtie and ſervice, fra the quhilk the Kirk-men in auld time were exeemed.

Meinzie

MARK, *In tractatu de ponderibus & menſuris*, ſignifies aucht ounce weicht, or halfe ane pound, quhairof the dram is the aucht part. Like as the ounce is the aucht part of ane marke. *Cheſſa.in Conſuetud.Burgund.Rub.1.§.7.Verb.65. ſolz Turnoys: ſolidus, inquit, in iure capitur pro aureo, quorum.72 faciunt libram auri. Et duodecim vnciæ faciunt Libram, & octo vnicæ marcam. Gl. & Ia.Fabr.in. §.nos autem.verb.ſolidos.inſtit.de attil.tutor.*

Dram

Solidus Dolra

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Mar.

Fodrum. Marchallus

Marche Schalk Trimarchisia Horsemarschel Downe.

MARITAGIVM *Heredis*, The mariage of ane aire maill or femail, quhilk is modified and liquidat be the Lordes of the Session, to ane certaine summe of money, after consideration of the rentall, and valure of the landes perteining to the aire: quhilk is either legall, or conventionall. The mariage Legall, is that quhilk be the disposition of the Law, perteinis to the superiour and Over-lorde: For the mariage of ane aire maill or femaill, of landes halden be service of warde and relieue, being of lesse age, or being of perfite age, and not maried the time of the decease of his father, or vther predecessor, to quhom he is aire, perteinis to his immediat superiour, be the common disposition of the Lawe of this Realme. And gif there be maa superi-

ours, the mariage perteinis to the firſt, & eldeſt ſuperiour, to quhom the pre-
The mariage perteinis to the eldeſt ſuperiour
deceſſors of the ſaid aire, maid firſt leageance & homage: or of quhom they haue the firſt infeftment of their lands. *leg. foreſt. c. ſi alicui 75.* Mairover gif an aire haldis certaine lands be ſervice of ward of the King immediatly: & certaine vther lands be the like maner of halding immediatly of an vther ſuperior, Spirituall or Temporall: the mariage of the aire ſuld perteine to the king allanerly, without ony reſpect of the quantity of the lands, or of the priority or poſteriority of the halding: Becauſe the King hes not ane peere or companion, far les ane ſuperior within his realme. *Lib. 2. c. Reſtituere. 44. c. 45.*
The mariage perteinis to the King
Maritagium conventionale, is that quhilk cums not be diſpoſition of the law, bot be the convention & conſent of parties, As quhen ony man haldis his lands in blench, or in few ferme: His awin, or his aires mariage, na waies thereby perteinis to his ſuperiour: Bot zit gif he payis ony duty for his lands, *nomine alba firma*, or *nomine feudi firmæ*, *vno cum maritagio hæredis cum contigerit*: Gif he happenis to deceaſe; the mariage of his aire, not being maried, perteinis to his ſuperior, not be the nature of the halding of his lands, bot be the convention and proviſion conteined in his infeftment. The availe of ane aires mariage, is either ſingle or double. For gif the ſuperiour requiris not ane aire to marie, and the aire marie without his conſent: The ſuperior ſuld obteine allanerlie for his mariage, be the eſtimation of the ordinar judge, ſa meikle as may be ane competent ſũme, or tocher to the ſaid aire, conforme to his zeirly rente: Or gif the aire refuſis to marie, he cannot be compelled to do the ſamin: *Quia matrimonia debent eſſe libera*: Bot quhen he cummis to perfite age, he ſall giue to his ſuperior, als meikle as he micht haue fra ony vther perſon, for the ſame mariage, before he receiue his Landes out of the hands of his ſuperior, *Quia maritagium eius qui infra ætatem eſt, de iure pertinet ad dominum feudi leg. Foreſt. c. Si quis 60.* The double availe of the mariage of ane aire, perteinis to the ſuperiour, quha makis ane lauchful offer of ane party, to the aire in mariage. Providing that the party offred, be of equal parage. For gif the ſuperiour dois marie the aire, with ony perſon in diſparage, as with ane burgeſſe man, or with ane villaine: gif the aire be of the age of 14. zeires, or mair, & gives his conſent to the ſaide mariage, the ſamin is gud and valiable of the lawe. Bot gif the aire be within the age of fourteene zeires, quhair-throw he may nocht giue ane lauchfull conſent to his mariage: In that caſe, gif his kinſman compleinis, the Over-lorde ſall tine and omit the warde, and all commodity that he may haue thereby, vntill the aire be of lauchfull age of twentie ane zeires: Quhilk ſalbe converted and employed, be the ſight of his friendes, to his vſe & commoditie, be reaſon of the ſchame and diſhonour done to him. *Leg. Foreſt. c. Si qui domini 65.* Quhilk is conforme to the lawes of England. *Hen. 3. ſtat. Merton. c. 6. c. 7.* Swa gif the mariage of ony aire, or heretrix, be fallen in the ſuperiours handes, and the aire beand lauchfully required be the ſuperiour, or his donatar, or be ony cled with their richt, to marie ony agreeable partie without diſparage offered to him, refuſis to doe the ſame, and maries ony vther perſon, without the licence and conſent of the ſuperiour or his donatar; Hee aucht and ſuld be reaſon of his contempt and diſſobedience, paye not onelie the ſingle
Maritagium conventionale
Single and double availe of mariage

availe

availe of his mariage; bot alſo the double thereof: That is, als meikle againe, as the ſingle, be the modification of the Iudge, after the zeirly rental, availe, and quantity of the lands and living, perteining to the aire, And mair over, in this caſe, be the auld law of this Realme, it is leaſum to the ſuperiour, to hald and reteine the lands, albeit the aire be of twenty ane zeires of age, vntill he be compleitly ſatisfied of the ſaid double availe. *Leg. Foreſt. c. de hæredibus. 64.* And it is to wit, that the ſaide requiſition ſuld be maid in this maner: The ſuperiour his donatar, or the aſſignay maid and conſtitute be the Donatar, or ony vther perſon, havand richt thereto, aucht and ſuld be himſelfe, or be his lauchfull procuratour, havand ſpecial power in writ, to that effect, offer to the aire, perſonally apprehended, then being of lauchfull age for mariage, ane agreeable partie, expreemand the ſaid perſones name, and ſur-name, without diſparage to him: Sick-like beand of lauchfull age, and convenient for mariage, and require the ſaid aire to ſolemnizate, and compleit the band of matrimonie, in face of halie Kirke, with the perſon that is offered. And for compleiting thereof, aſſigne and affixe ane lauchful dayes To wit, the ſpace of threttie dayes at the leaſt to him to compleit the ſamin within ony Kirk appoynted be the maker of the offer to that effect. And in the meane time of the ſaid requiſition, or before, or after the ſamin, the donatar, or ony vther aſſignay, havand richt and title of him, or of the ſuperiour (for the ſuperiour himſelfe, needis not to make ony intimation of his richt and title, he beand notourly knawin to be ſuperiour) ſuld make be himſelfe, or be his procuratour, intimation of the richt and diſpoſition maid to him, and ſchaw the ſame, and make the ſame patent, in preſence of the ſaide aire, and cauſe the ſamin to be read before him, or giue, or offer him ane copie thereof: To the effect that hee thereafter may not pretende nor alleage ignorance there-anent. And thereafter the ſaid perſon, *viz.* The ſuperiour, or ony vther cled with his richt, be quhom, or in quhais name the ſaid requiſition and intimation was maid, aucht and ſuld perſonally, or be his procuratour, compeir at the day, and Kirke appoynted of before: Bringand with him the ſaid partie offered, in proper perſon, reddie and willing to marie, qua was offered in mariage: And there in lauchfull time, before twelue houres of the day, offer him reddy to accompliſh and fulfill that quhilk hee offered, and required to be done of before. And to that effect, there remaine quhill the Sermon, or divine ſervice be done, or quhil an houre after noone. And gif the aire compeiris nocht, or compeiris and refuſis to marie, he ſulde take inſtrumentes thereupon, in the hands of ane ſufficient Notar, of the refuſe maid bee the aire, or of his non-compearance: and the offer of the agreeable partie, togidder with the intimation foreſaide, quhilk cannot be proven be witneſſe, bot be writ. *Pen. Feb. 1567.* The Laird of *Dumlangrig*, contrair *Marion Carrutheris. 21. Ianij. 1568. William*, Lord *Forbeſſe*, contrair the Laird of *Boyne. 4. Ianij. 1575.* The Lairde of *Glenbervie*, contrair the Laird of *Vdny.*

The forme how ane aire ſuld be requited to marie.

MARITAGIVM Tocher gud. *Lib. 2. c. de tutem 19. in fine. 6. poteſt. 21. cum ſeqq. Vid. Doct.*

MARVS, Ane officiar, or executour of ſummondes. Iam. 1. parlia. 9.

ours, the mariage perteinis to the first, & eldest superiour, to quhom the pre-
The mariage perteinis to the eldest superiour
decessors of the said aire, maid first leageance & homage: or of quhom they haue the first infeftment of their lands. *leg. foreſt. c. ſi alicui 75.* Mairover gif an aire haldis certaine lands be service of ward of the King immediatly: & certaine vther lands be the like maner of halding immediatly of an vther superior, Spirituall or Temporall: the mariage of the aire suld perteine to the king allanerly, without ony respect of the quantity of the lands, or of the priority
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or posteriority of the halding: Becauſe the King hes not ane peere or companion, far les ane superior within his realme. *Lib. 2. c. Reſtituere. 44. c. 45. Maritagium conventionale*, is that quhilk cums not be disposition of the law, bot
Maritagium conventionale
be the convention & consent of parties, As quhen ony man haldis his lands in blench, or in few ferme: His awin, or his aires mariage, na waies thereby perteinis to his superiour: Bot zit gif he payis ony duty for his lands, *nomine alba firmæ*, or *nomine feudi firmæ*, *vno cum maritagio hæredis cum contigerit*: Gif he happenis to deceaſe; the mariage of his aire, not being maried, perteinis to his superior, not be the nature of the halding of his lands, bot be the convention and provision conteined in his infeftment. The availe of ane aires
Single and double availe of mariage
mariage, is either single or double. For gif the superiour requiris not ane aire to marie, and the aire marie without his consent: The superior suld obteine allanerlie for his mariage, be the estimation of the ordinar judge, sa meikle as may be ane competent sūme, or rocher to the said aire, conforme to his zeirly rente: Or gif the aire refusis to marie, he cannot be compelled to do the samin: *Quia matrimonia debent esse libera*: Bot quhen he cummis to perfite age, he sall giue to his superior, als meikle as he micht haue fra ony vther person, for the same mariage, before he receiue his Landes out of the hands of his superior, *Quia maritagium eius qui infra ætatem eſt, de mero iure pertinet ad dominum feudi leg. Foreſt. c. Si quis 60.* The double availe of the mariage of ane aire, perteinis to the superiour, quha makis ane lauchful offer of ane party, to the aire in mariage. Providing that the party offred, be of equal parage. For gif the superiour dois marie the aire, with ony person in disparage, as with ane burgesse man, or with ane villaine: gif the aire be of the age of 14. zeires, or mair, & gives his consent to the saide mariage, the samin is gud and valiable of the lawe. Bot gif the aire be within the age of fourteene zeires, quhair-throw he may nocht giue ane lauchfull consent to his mariage: In that case, gif his kinsman compleinis, the Over-lorde sall tine and omit the warde, and all commodity that he may haue thereby, vntill the aire be of lauchfull age of twentie ane zeires: Quhilk salbe converted and employed, be the sight of his friendes, to his vse & commoditie, be reason of the schame and dishonour done to him. *Leg: Foreſt. c. Si qui domini 65.* Quhilk is conforme to the lawes of England. *Hen. 3. ſtat. Merton. c. 6. c. 7.* Swa gif the mariage of ony aire, or heretrix, be fallen in the superiours handes, and the aire beand lauchfully required be the superiour, or his donatar, or be ony cled with their richt, to marie ony agreeable partie without disparage offered to him, refusis to doe the same, and maries ony vther person, without the licence and consent of the superiour or his donatar; Hee aucht and suld be reason of his contempt and dissobedience, paye not onelie the single

availe

availe of his mariage; bot alſo the double thereof: That is, als meikle againe, as the ſingle, be the modification of the Iudge, after the zeirly rental, availe, and quantity of the lands and living, perteining to the aire, And mair over, in this caſe, be the auld law of this Realme, it is leaſum to the ſuperiour, to hald and reteine the lands, albeit the aire be of twenty ane zeires of age, vntill he be compleitly ſatisfied of the ſaid double availe. *Leg. Foreſt. c. de hæredibus. 64.* And it is to wit, that the ſaide requiſition ſuld be maid in this maner: The ſuperiour his donatar, or the aſſignay maid and conſtitute be the Donatar, or ony vther perſon, havand richt thereto, aucht and ſuld be himſelfe, or be his lauchfull procuratour, havand ſpecial power in writ, to that effect, offer to the aire, perſonally apprehended, then being of lauchfull age for mariage, ane agreeable partie, expreemand the ſaid perſones name, and ſur-name, without diſparage to him: Sick-like beand of lauchfull age, and convenient for mariage, and require the ſaid aire to ſolemnizate, and compleit the band of matrimonie, in face of halie Kirke, with the perſon that is offered. And for compleiting thereof, aſſigne and affixe ane lauchful dayes To wit, the ſpace of threttie dayes at the leaſt to him to compleit the ſamin within ony Kirk appoynted be the maker of the offer to that effect. And in the meane time of the ſaid requiſition, or before, or after the ſamin, the donatar, or ony vther aſſignay, havand richt and title of him, or of the ſuperiour (for the ſuperiour himſelfe, needis not to make ony intimation of his richt and title, he beand notourly knawin to be ſuperiour) ſuld make be himſelfe, or be his procuratour, intimation of the richt and diſpoſition maid to him, and ſchaw the ſame, and make the ſame patent, in preſence of the ſaide aire, and cauſe the ſamin to be read before him, or giue, or offer him ane copie thereof: To the effect that hee thereafter may not pretende nor alleage ignorance there-anent. And thereafter the ſaid perſon, *viz.* The ſuperiour, or ony vther cled with his richt, be quhom, or in quhais name the ſaid requiſition and intimation was maid, aucht and ſuld perſonally, or be his procuratour, compeir at the day, and Kirke appoynted of before: Bringand with him the ſaid partie offered, in proper perſon, reddie and willing to marie, qua was offered in mariage: And there in lauchfull time, before twelue houres of the day, offer him reddy to accompliſh and fulfill that quhilk hee offered, and required to be done of before. And to that effect, there remaine quhill the Sermon, or divine ſervice be done, or quhil an houre after noone. And gif the aire compeiris nocht, or compeiris and refuſis to marie, he ſulde take inſtrumentes thereupon, in the hands of ane ſufficient Notar, of the refuſe maid bee the aire, or of his non-compearance: and the offer of the agreeable partie, togidder with the intimation foreſaide, quhilk cannot be proven be witneſſe, bot be writ. *Pen. Feb. 1567.* The Laird of *Dumlangrig*, contrair *Marion Carrutheris. 21 Ianij. 1568.* *William*, Lord *Forbeſſe*, contrair the Laird of *Boyne. 4. Ianij. 1575.* The Lairde of *Glenbervie*, contrair the Laird of *Vdny.*

The forme how ane aire ſuld be requited to marie.

MARITAGIVM Tocher gud. *Lib. 2. c. dos autem 19. in fine. c. poteſt. 21. cum ſeqq. Vid. Dos.*

MARVS, Ane offeiar, or executour of ſummondes. Iam. 1. parlia. 9.

cap.111.parlia.13.c.140. *Vide Recordum.* He is vtherwaies called, *Præconis.* *Lib 1.cap.cum autem 8.* Quhair it is ſaid, *Quod die dominico vox præconis ceſſare debet*, becauſe na ſummondes ſuld be execute vpon ane Sunday. The Kings Maire is of ane greater power and authoritie, nor the meſſingers or officiars of armes, and ſpecially in juſtice aires, and puniſhing of treſpaſſors. Bot now the ſaid office is given in fee and heritage to Maires of fee, quha knawis nocht their office: Bot ar idle perſones, and onely dois diligence in taking vp of their fees, from them to quhom they do na gud, nor ſervice to the King.

MATERTERA, properly is the Mother ſide, *Quaſi Mater altera.* Bot ſum-times improperlie it is taken for the Father ſiſter, in Latine *Amita.* For *Lib.2.c Deſcientibus 34. Poſt Avunculum.h.e.patruum, eiuſque liberos, Matertera eiuſque liberi habent ius ſucceſſionis.* And be the Law of this Realme, the bairnes deſcendand of the mother-ſiſter, hes na richt of ſucceſſion: Quhilk in the awin place and degree, is competent to the bairnes borne of the Father ſiſter; quhilk is maniteſt. *De iudicib.c.haredum.113.c.Item Nota 115. Vbi expreſſe, Matertera dicitur eſſe Amita. vid. Avunculus.*

MELLETVM, *Medletum.lib.1.c.2.* Ane French word, *Melle*, diſſenſion, ſtrife, debate, as wee ſaye, that ane hes melled or tuilzied with ane vther. And in the actes of Parliament, and practicque of this realme, *Chaud melle*, is ane fault or treſpaſſe, quhilk is committed be ane hoate ſuddainty, & not of ſet purpoſe, or *præcogitata malitia. Ia.1.1.* Mar.c. 51. And in *Libro M. Wilhelmi Skenæi fratris mei, Commiſſarij Sancti Andreæ. Fol.111.* It is written that Flycht vyt is liberty to hald courts, and take vp the vnlaw *pro melletis.* Becauſe Flycht, is called flyting; In French, *melle*, quhilk ſometimes is conjoyned with hand ſtraikes. And in ſumme buikes *Placitum de melletis*, is called the Mute, or pley of beating or ſtricking. *lib.1.c.2.*

MENETVM, *leg. Foreſt.c.2.* Ane ſtock horne. In the quhilk place, it is wrangeouſly written *Cornuare minutim, pro cornuare menetum*, to blaw ane ſtock-horne, quhilk commonly is maid of Timmer and wood, or tree, with circles and girds of the ſame, quhilk is zet vſed in the Hie-landes and Iles of this Realme: quhairof I haue ſeene the like in the cuntrie of *Helvetia*, in the zeir of God. 1568. amangſt the *Zuitzers.*

MEREMIVM, *Muremium*, The timmer of ane houſe. *lib 4.c. Si quis 55.* In the Engliſh laws, *Carta de Foreſta.* It is called *mareminm.* And ane charter given be *Iacobus Seneſcallus Scotiæ* (King *Iames* the Firſt, before his Fathers deceaſe) To *Thomas Browſter*, of the landes of *Sacerland*, beſide *Paſlay*, nowe perteining heretably, to *Matthew Steward* of *Barſcube*, conteinis *poteſtatem inueidendi meremium*: that is, licence & power to cutte ſa meikle greene woodde in the Kingis Foreſt of Riſe, as ſuld be neceſſar to the ſaid *Thomas*, to bigge houſes to his awne vſe.

MESE Of herring, conteinis fiue hundreth: For the common vſe of numeration & telling of herring, be reaſon of their great multitude, is vſed be thouſands: And therefore ane Meſe comprehendis fiue hundreth, quhilk is the halfe of ane thouſand. From the Greek word μεσον, in Latine *medium.*

MESSVAGIVM, *lib.2.c. Dos autem 19.c. Si quis plures 30.cum ſeqq.*

ane principall dwelling place, or houſe within ane Barronnie, quhilke in the Lawes of England, is called Mannour, ane Hall, Place, or Courte-ludge, or Manour houſe. Albeit *Valentine Leigh*, in his buik of ſurveying of lands, affirmis *meſſuagium* to be the tenement or lands arable. And the dwelling houſe or place, or Courte-hall thereof, to be called Sit, from the Latine *Situs*: quhilk wee call the ſeate, or on-ſette. And it is not leaſum to giue the principall meſſuage, to the wife within burgh, in life-rent. *Leg. Burg. c. Nullus. 107.* Manere. Sit Situs.

MILITES, *Leg. Malc. Mak. c. 2.* And generally, in the auld Lawes of this Realme, are called free-halders, haldand their lands of barronnes in chiefe; quha hes na power to hald courts of life and lim: bot onely of injuries, wrang, and vnlaw. Bot *militare ſervitium*, Knichtes ſervice, is that maner of halding of lands, quhilk is called, ſervice of ward and relieue. *Et miles opponitur Soccomanno*, and he quha haldis his landes, *Per militare ſervitium. lib. 2. c. Si quis 30.* Servitium militare.

MISERICORDIA, ane mercimente, amerciament or vnlaw. *Leg. Foreſt. c. 5 de iudic. c. 40. Miſericordia domini regis*, or the Kingis mercimente in purpreſture. *Lib. 2. c. dicitur. 75; vid. Forisfactum. vid. Amerciamentum.*

MOTE, Mute, pley, action, quarrell. Quhen King *Malcome* the 2. gaue al his landes to the Barronnes of this Realme: he reteined to himſelfe *montem placiti de Scona*, The mute hill of *Scone*, quhair he micht hald his courts & do juſtice to his ſubjectes, in deciding their pleyes, and controverſies. *Leg. Mal. Mak in prin.* Mute in the lawes of this realme is called *Placitum*. And like as in the civil law, actions ar divided in civill and criminal: Swa *placitorum, aliud eſt civile, aliud criminale.* Pleyes ar civill or criminal: Civill ar called actiones of injuries, wrang, and vnlaw, *leg. Mal. Mak. c. 2.* And concernis pecuniall paines, or lands and heretage. Criminall pleyes, touchis life or lim, or capitall paines, called *pœna ſanguinis. Lib. 1. c. 2. c. 3.* Placitum.

MORT-GAGE, *mortuum vadium, dicitur pignus, cuius fructus, vel reditus percepti, in nullo ſe acquietant.* It is ane French worde, ſignifies ane dead wed; ſik as ane certaine ſumme of ſilver, given vpon landes in wed-ſet, and vnder reverſion: quhilk is called ane dead-wed: Becauſe be the auld law of this Realme, the profite thereof: that is, the annuall of the ſilver, is rekened as ane parte of the ſtocke and principall ſumme: And therefore the ſaid ſtock is dead, without ony profite, as ane barren and dead tree, quhilk producis na fruit, *lib. 3. c. 4. c. 6.* Contrair the common forme of alienation of lands, vnder reverſion, daily vſed within this realme, called *pactum de retro-vendendo*, quhair be the annuel is zeirly payed, vntill the redemption of the landes. At the quhilk time, the principall ſumme ſuld be likewaies compleitly payed. And ſwa baith the annuell, and the ſtock being payed, the profites are not rekened in the ſtocke, bot ilk ane of them are ſeverally rekened, and ſeverally payed, ſa meikle for the profite, and ſa meikle for the principall ſumme. *vide Vadium.*

MVLIERATVS *Filius*, is ane lauchful ſonne, gotten with ane lauchfull wife. *Lib. 2. c. Si autem 22. Ex legitima muliere ſeu vxore, quia mulieris appellatione*

pellatione vxor continetur. L. Mulieris. 13 & ibi Gl. de verb. signif.

MVRTHRVM, *Lib. 1. c. 2. lib. 4. c. 7.* Quhairof sum is called private, that is, mans slauchter, quhairof the author is vnknawin; quhairof the inquisition perteinis to the Crowner: As quhen ane person is found slaine, or drowned, in ony place or water. Vther is publick, committed be forethocht-fellonie, *Quia non debet murthrum adiudicari, vbi infortunium interuenit: sed locum habeat murthrum, in interfectis per felonias.* And swa murther is committed be fore-thocht-fellonie, and not be suddaintie, *Chaud melle*, or *infortunium*: That is, be chaunce or fortune. *Leg. Mal. Mak. c. 2.* And in the laws of England. Anno. 13. Edw. 2. c. 1. Murther is quhen ony man be ane propensed malice, lyis in waite to slay ane vther. And according to his malicious intent, slayis him. *Molinæus in styl. Cur. Parl. part. 1. c. 13.* Conforme to the law of Normandy. Lib. 12. c. 1. Affirmis, that murther is different from simple slauchter: Becausse murther is committed wittingly and willingly, be ane quha of set purpose lyis quietly in awaite for that effect. And slauchter is committed without ony fore-thoucht-fellony, vpon ane haistie suddainty, quhilk in Latine is *Rixa*, And in French, *Chaud-melle*, In the quhilk place he writtis, that three crimes perteinis to the high justice: Wilfull-fire, ravishing of weemen, and murther. Bot be the law of this Realme, foure crimes ar called the four poyntes of the Crowne: Wilfull-fire, ravishing of weemẽ, murther, & robberie or riefe: Becausse the jurisdiction, or cognition thereof, perteinis allanerly to the King, and to na subject Spiritual nor Temporal, except the samin be specially granted to him be the King. *lib. 1. c. 2. leg. Mal. Mak. c. 4. lib. 4. c. Die lunæ. 13. ass. reg. Da. c. 1*

Rixa

Pleyes of the crowne.

N

NAMARE, *Namos capere*, to take ane poynd, or ane distresse. It is ane auld Saxon worde. For *Naman*, in Latine *Pignorari sive pignus auferre.* And *Namatio*, signifies the taking of ane poind. *leg. Brittonum. verb. Pignorari.* In the Law of Normandy, *Nami*, commonly signifies ony gudes or geare moveable or vnmoveable, taken for execution of ane decreet. *Pignora capta, & bona capta pignori. vt in L. a Diuo Pio. 15 ff. de re iudicat.* Be the Lawes of this Realme, na poynd suld be taken, bot for ane confessed or proven debt. And the samin suld be publickly schawin, and maid manifest to all passengers be the way, and to all parties following the samin. *lib. 4. c. Si quis namos 30. cum seqq.* Na man may poynde within ane vther mannis boundes or jurisdiction, bot for debt auchtand to him, except the Kings Baillie be present. The poynd or distresse, suld be conforme to the quantity and valure of the debt. Na person may be poynded, bot the debtor, or his sovertie or plegde. The poynd suld remaine within the samin Barronnie, quhair it is taken, in ane place perteining to him, quha takis the samin, or at the least, in the nixt adjacent barronnie, within the samin Schireffedome, and not in Fortalices or Castelles. *Stat. 2. Rob. Br. c. Item ordinatum 8. Curia de namo vetito*, That is, of deforcement, be the auld Law, perteinis to the King allanerly. *De Maritag. & Sciendum 17.*

NATI.

NATIVI, Borne slaues or servandes, *vide Rondagium.*

NONE-ENTRES, Is quhen ane vassall, vest and saised in the fee and propertie of the Landes deceasis, leavand behinde him ane aire, quha beand of lauchfull age, may enter to the landes, be taking of saising thereof, and zit enters nocht. In the quhilk case, the Landes are in the handes and power of the immediate superiour, be reason of none-entresse, *Propter negligentiam hæredis, ius suum non prosequentis. Stat. Rob. 3. Cap. Nota. 21.* Twa kindes of none entresse.

Mair-over, there is twa kindes of None-entresse: The ane simple, nocht followand after ane warde, in the quhilk, the superiour of the Landes, vntill they be declared be decreete of ane Ordinar Iudge, to be in None-entresse, suld haue allanerlie the retoured maill thereof, conforme to the newe extent. And after the declaratour, the superiour may remoove the tennentes, or occupie the landes as he pleasis, induring the time of the None-entresse. The vther kinde of None-entresse, is that quhilk followis after ane warde: As quhen landes ar halden be service of warde and relieue, and the aire is *Minor*, and may nocht enter: The samin Landes perteinis to the superiour, be reason of ward, and nocht of None-entresse. For quhair there is warde, there is na None entresse, be reason the warde, sa lang as it indures, stoppis the None-entresse. Bot quhen the warde expyris, togidder with the twa tearmes of the relieue; The None-entresse beginnis, gif the aire beand of perfite age, enteris nocht to the Landes, and obteinis saising thereof. The quhilk None-entresse, requiris na declaratour, bot is of the like nature, with the ward preceidand. And induring the time thereof, the zeirlie mailles and dewties of the Landes, as they giue be tacke and assedation, perteinis to the superiour; or hee may remoove the tennentes and possessoures therefra, and occupie the samin as he pleases: like as he miche do in the time of the warde. Mair-over, this kinde of None-entresse, beand given and disponed be the King, or vther superiour, to the appearand aire himselfe, or to ony vther person, is sufficient and valiable to the donatar, for all zeires and termes preceeding the gift and disposition, and three tearmes after the perfite age of the aire allanerlie. And endis and ceasis after the ischue and out-running of the saidis three tearmes. And gif the aire enters nocht within the saide space: It is leasum to the King, or vther superiour, to dispone of new the saide none-entresse to quhom he pleasis, to be vsed be him, vnto the entrie of the lauchfull aire; as was decerned and ordained be the Lordes and Auditoures of the Checker, in the Moneth of Iulij. 1596. And conforme thereto, decided be the Lordes of the Session. 9. Iulij. 1597. The Laird of *Caprington*, contrair the Laird of *Hessilhead*, quhilk is not disconforme to the Lawes of the fewes, quhairbe the aire of the vassall, not desirand inuestiture, or possession fra his superiour, within zeir and daye, after the decease of the vassall his predecessour, tynis and forefaltis his few, and the samin perteinis to his superiour. §. 1. *Et ibi. Gl. quo temp. miles investitur, petere debent. lib. 1. de feud.*

NOVA *Dissasina*, recent spuilzie or ejection. *vid. Dissasina.*

OCHIERNE

pellatione vxor continetur. L. Mulieris. 13. & ibi Gl. de verb. ſignif.

MVRTHRVM, *Lib. 1. c. 2. lib. 4. c. 7.* Quhairof ſum is called private, that is, mans ſlauchter, quhairof the author is vnknawin; quhairof the inquiſition perteinis to the Crowner: As quhen ane perſon is found ſlaine, or drowned, in ony place or water. Vther is publick, committed be fore-thocht-fellonie, *Quia non debet murthrum adiudicari, vbi infortunium interuenit: ſed locum habeat murthrum, in interfectis per felonias.* And ſwa murther is committed be fore-thocht-fellonie, and not be ſuddaintie, *Chaud melle*, or *infortunium*: That is, be chaunce or fortune. *Leg. Mal. Mak. c. 2.* And in the laws of England. Anno. 13. Edw. 2. c. 1. Murther is quhen ony man be ane propenſed malice, lyis in waite to ſlay ane vther. And according to his malicious intent, ſlayis him. *Molinæus in ſtyl. Cur. Parl. part. 1. c. 13.* Conforme to the law of Normandy. Lib. 12. c. 1. Affirmis, that murther is different from ſimple ſlauchter: Becauſe murther is committed wittingly and willingly, be ane quha of ſet purpoſe lyis quietly in awaite for that effect. And ſlauchter is committed without ony fore-thoucht-fellony, vpon ane haiſtie ſuddainty, quhilk in Latine is *Rixa*, And in French, *Chaud-melle*, In the quhilk place he writtis, that three crimes perteinis to the high juſtice: Wilfull-fire, raviſhing of weemen, and murther. Bot be the law of this Realme, foure crimes ar called the four poyntes of the Crowne: Wilfull-fire, raviſhing of weemẽ, murther, & robberie or rieſe: Becauſe the juriſdiction, or cognition thereof, perteinis allanerly to the King, and to na ſubject Spiritual nor Temporal, except the ſamin be ſpecially granted to him be the King. *lib. 1. c. 2. leg. Mal. Mak. c. 4. lib. 4. c. Die lunæ. 13. aſſ. reg. Da. c. 1*

Rixa

Pleyes of the crowne.

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NATI-

NATIVI, Borne slaues or servandes, *vide Bondagium.*

NONE-ENTRES, Is quhen ane vassall, vest and saised in the fee and propertie of the Landes deceasis, leavand behinde him ane aire, quha beand of lauchfull age, may enter to the landes, be taking of saising thereof, and zit enters nocht. In the quhilk case, the Landes are in the handes and power of the immediate superiour, be reason of none-entresse, *Propter negligentiam hæredis, ius suum non prosequentis. Stat. Rob. 3. Cap. Nota. 21.* Mair-over, there is twa kindes of None-entresse: The ane simple, nocht followand after ane warde, in the quhilk, the superiour of the Landes, vntill they be declared be decreete of ane Ordinar Iudge, to be in None-entresse, suld haue allanerlie the retoured maill thereof, conforme to the newe extent. And after the declaratour, the superiour may remoove the tennentes, or occupie the landes as he pleasis, induring the time of the None-entresse. The vther kinde of None-entresse, is that quhilk followis after ane warde: As quhen landes ar halden be service of warde and relieue; and the aire is *Minor*, and may nocht enter: The samin Landes perteinis to the superiour, be reason of ward, and nocht of None-entresse. For quhair there is warde, there is na None entresse, be reason the warde, sa lang as it induris, stoppis the None-entresse. Bot quhen the warde expyris, togidder with the twa tearmes of the relieue; The None-entresse beginnis, gif the aire beand of perfite age, enteris nocht to the Landes, and obteinis saising thereof. The quhilk None-entresse, requiris na declaratour, bot is of the like nature, with the ward preceidand. And induring the time thereof, the zeirlie mailles and dewties of the Landes, as they giue be tacke and assedation, perteinis to the superiour; or hee may remoove the tennentes and possessoures there fra, and occupie the samin as he pleases: like as he micht do in the time of the warde. Mair-over, this kinde of None-entresse, beand given and disponed be the King, or vther superiour, to the appearand aire himselfe, or to ony vther person, is sufficient and valiable to the donatar, for all zeires and termes preceeding the gift and disposition, and three tearmes after the perfite age of the aire allanerlie. And endis and ceasis after the ischue and out-running of the saidis three tearmes. And gif the aire enters nocht within the saide space: It is leasum to the King, or vther superiour, to dispone of new the saide none-entresse to quhom he pleasis, to be vsed be him, vnto the entrie of the lauchfull aire; as was decerned and ordained be the Lordes and Auditoures of the Checker, in the Moneth of Iulij. 1596. And conforme thereto, decided be the Lordes of the Session. 9. Iulij. 1597. The Laird of *Capringtoun*, contrair the Laird of *Hessilhead*, quhilk is not disconforme to the Lawes of the fewes, quhairbe the aire of the vassall, not desirand investiture, or possession fra his superiour, within zeir and daye, after the decease of the vassall his predecessour, tynis and forefaltis his few, and the samin perteinis to his superiour. §. 1. *Et ibi. Gl. quo temp. miles investitur, petere debent. lib. 1. de feud.*

Twa kindes of none entresse.

NOVA *Dissasina*, recent spuilzie or ejection. *vid. Dissasina.*

O

OCHIERN, *Ogetharius*, Is ane name of dignitie, and of ane free-halder. *Stat. Alex. c. recordatio.* 26. and appeiris to be of equall honour and preheminence with the sonne or daughter of ane *Thane*, quha baith hes the like *marchesa viz.* twa Kids, or twelue pennies. *Lib. 4. c. sciendum* 63. And likewise the *Cro* of ane *Thane*, and of ane *Ochiern* is four Kye. *Lib. 4. c. statuit.* 64. And the vnlaw quhilk the King may take fra ane *Thane*, is sex Kye, and from ane *Ochiern*, fifteene Scheip, or tex schillings. *Assi. reg. Da. c. recordatio.* 17.

ORA, ane auld Saxon word, and signifies mettall, sik as brasse or golde: And mairover, in auld times it was ane peece of cunzied silver or gold. For *tres oræ aureæ*, are the price of ane Cowe. *Lib. 4. c. sciendum* 63. From this comes the worde zit commonly vsed, *Vre*, as leid *Vrè*: And in the Garviach, within the Schireffedome of *Aberdene*, there is ane hill called *Dounyndure*, *monticulus metalli*: and the scheep there pastured, hes their teeth couloured with zeallowe coullour, quhilk is ane taken of abundance of mettall.

ORIGELLVM. *quasi aurigellum*; ane Habergion, maid of mailzies, quhairof the edges are of mailzies of zellow coulour, resemband the coulour of gold or brasse. *Stat. 2. Rob. Br. c. ordinatum* 27. quhair it is called *Habergellum. vid. Hawbert.*

OVT-FANG-THIEFE, *vid.* In-fang-thiefe.

P

PANNAGIVM *Porcorum*, ane French word, signifies the duty quhilk is given to the King, for the pastourage of Swine in his Forrestes. *Leg. Foresti. c. 5. 6. 8.* As is manifest in the lawes of England, in the Chartour of Forrestes, quhair *Pannage* is called ane certaine summe of silver, quhilk the awner of ane Parke, or of some great woodde, quhair-in there is greate store and abundance of Maste, Aike, Beitche, or vther trees, vsis to take of his tennents, or vthers for their Swine, that sall feede there, betuixt *Michael-mes*, and *Martine. mes*, Item, *Pannagium*, signifies ane pairt of the Kings demaine, or propertie, given to his second, or vther zounger sonne, or cousin, quhair-of *Choppinus* writes, *de domanio regis Frrncia.* But hereof no mention is maid in the lawes of this realme.

PARTICATA, *vel perticata terra.* From the French word *Perche*, meikle vsed in the Englisch lawes, ane ruid of land. *Leg. burg. c. 1. c. particata.* 140. *stat. Wilh. c. perticata* 13. *Quon. attach. c. de brevibus* 31. It is of verity, that three beare cornes without tayles, set togidder in length, makis ane inche. Of the the quhilk cornes, ane suld be taken off the mid-rig, and off the side of the rig, and ane off the furrow. Twelue inches makis ane fute of measure: Three fute and ane inche, makis ane Elne: Sex elnes lang, makis ane Fall: quhilk is the common lineall measure and mette. And sexe elnes lang, and sex elnes broad, maks ane squair and superficiall fall, of measured land. And it is to be vnderstand, that ane rod, ane raip, ane lineall fall of measure, are all ane, and

signi-

ſies ane thing, for ilk ane of them conteinis ſex elnes in length, albeit, ane rod is ane ſtaffe, or gade of tymmer, quhairwith land is meaſured, in Latine, *Pertica*. Ane raip is maid of towe, ſik as hempe, or vther ſtuffe, and ſa meikle lande, as in meaſuring falles vnder the rod, or raip, in length is called ane fall of meaſure, or ane lineall fall, becauſe it is the meaſure of the line, and length allanerly. Like as the ſuperficiall fall is the meaſure, baith of the length and the bredth, *Quia linea eſt menſura ſolius longitudinis, ſuperficies verò eſt menſura longitudinis, & latitudinis.* Item, ten falles in length, and foure in bredth, makis ane ruid: four ruid makis ane aiker. And ſwa ane diſcreet and true man, may meaſure ilk aiker of lande, lang or ſchort, with rod or raip, be the meaſure of the fall: Swa that he keepe juſt count and gud remembrance, that the endes of the rod or raip be richtly and euen layde, without fraude or guyle. But it is neceſſar, that the meaſurers of land, called Landimers, in Latine, *Agrimenſores*, obſerue and keepe ane juſte relation, betuixt the length and the bredth of the meaſures, quhilk they vſe in meaſuring of Landes, quhair-anent I finde na mention in the Lawes and Regiſter of this Realme; albeit ane ordinance thereanent be maid be King *Edward* the firſt, King of England, the 33. zeir of his reigne: and becauſe the knawledge of this matter is very neceſſare, in meaſuring of Landes, dayly vſed in this realme: I thought gud to propone certaine queſtiones, to *Iohn Nafer*, feare of *Merchiſtoun*, ane Gentle-man of ſingular judgement and learning, ſpecially in Mathematicque ſciences. The tenour quhairof, and his aunſwers maid thereto followis.

Rod
Raip
Fall lineall & ſuperficiall

Landimers
Agrimenſores

Firſt, be quhat rule ſall we vnderſtand the length and bredth of the fall? It is anſwered: There is twa ſortes of falles; the ane lineall, the vther ſuperficiall: The lineall fall, is ane met-wand, rod, or raip, of ſex elnes lang, quhairbe, length and bredth are ſeuerally met. Ane ſuperficiall fall of Lande, is ſa meikle boundes of landes, as ſquairly conteinis ane lineall fall of bredth, and ane lineall fall of length, quhairof followis, that be the lineall fall, lande is meaſured: and be the ſuperficiall fall, land is rekned. Now quhair it is inquired be quhat rule the length and bredth of ane fall ſall be vnderſtande. I aunſwere, That quhen ſo-euer the elnes of bredth being multiplied be the elnes of length, do produce 36. elnes: the number produ&t, is ane ſuperficiall fall: and the ſaide bredth and length, are the juſte bredth and length that makis ane fall. Swa threttie ſex elnes lang, of ane elne broade, are ane fall of land. Item, auchteene elnes lang, twa elnes broade are the like: Alſwa, twelue elnes lang, or three elnes broad, or nine elnes lang, of four elnes broad ar the fall. Laſtly, ſex elnes alwaies, that is to ſaye, ſex elnes lang, & ſex elnes broad, maks ane fal. To this fall, the little ruid, or ruid of warke, or of buirds, or of maiſon, or sklait warke, is equall, quhilk is maiſt properly the ruid, as after followis. Secondly, how mony kindes of ruids ar in vſe? *Anſwer*: Twa, quhairof the an is proper, the vther improper. The ruid properly, is an ſuperficial fal, & conteinis 36 ſex ſquare elnes: Ane ſquare elne, being the bounds of ane elne in breadth, and ane elne in length, ſquarely incluſed. The vther vulgare and improper ruid of land, conteinis fourtie of thir former ruides, or ſuperficiall fallis, and is the quarter of ane Aiker of Lande, becauſe

Length and bredth of ane fall.

ſour

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Length and bredth of ane fall.

foure of thir ruides makis ane aiker, as ſaid is.

Length and bredth of ane aiker.

Thridly, be quhat rule may the juſt meaſure of ane aiker in length and bredth be vnderſtand? It is anſwered, Multipy be Arithmetick multiplication, the number of the falles that ar in the length of the land, be the number of fallis that ar in the bredth thereof: Every aucht-ſcore fallis of the number produced, and reſulting of the ſaid multiplication, is ane aiker: and therefore aucht-ſcore fallis of length, and ane fall of bredth, makis ane aiker: and foure-ſcore fallis of length, and twa fallis of bredth, makis ane aiker. Item, fourty fallis of length, and four fallis in bredth makis ane aiker. Alſwa, twentie fallis in length, and aucht fallis in bredth, makis ane aiker. Laſtly, ten fallis in bredth, and ſexteene fallis in length makis ane aiker.

The maner of meaſuring of landes be rod or raip.

Fourthly, ſeeing there is ane kinde of meaſuring of land be Rod and raip, quhat is the forme thereof? And gif there be ony maa formes, how are they called? and quhat is the forme & maner of the ſamin? It is anſwered: There be knawin too experte Mathematicians, mony and diverſe waies to mette lande, all agreeand togidder in ane, but of the vulgar people there is but ane forme of metting vſed and vnderſtand: to wit, be rod and raip, that is to ſay, be ane rod or gade of ſex elnes lang: Or be ane ſtring or coard, of ſex elnes lang, ſtented betuixt twa ſtaues. The coard being ane ſchaft length abone the pykes, or neither endes of the ſtaues. The ſaid rod or raip, or either of them, is called ane fall: to wit, the lineall fall foreſaid. With theſe fallis, ilke ſquare peece of land, is met over the middis, quhat falles and elnes it hes of length, and thereafter is met croce-over the middis, quhat fallis and elnes it hes of bredth. Thereafter the fallis and elnes of the length on the ane pairt, and the fallis and elnes of the bredth, on the vther parte, are multiplyed togidder, & the product ſchawis the number of the aikers, ruides, elnes, quhilk the ſaid peece of land conteinis. As for example, gif the peece of land be 51. fal, three elnes of length, and 10. fallis, 2. elnes of bredth: multiply 51. fallis. 3 elnes, or $51\frac{1}{2}$. fallis to be 10. fallis 2. elnis, or to be $10\frac{3}{4}$. fallis: The product wil amount to 532. fallis $\frac{1}{2}$: or 532. fallis, 6. elnes: quhairof euery aucht ſcore fallis ar ane aiker. Swa 532. fallis 6. elnes, are three aikers and ane quarter, 12. fallis, and 6. elnis of met land.

PATRIA, *Aſſiſa, vel recognitio per aſſiſam*, Ane aſſiſe or inqueſte of cuntrie-men, quhilk is called *recognitio patria. Lib. 3. cap. cum autem. 6. vid. Bona patria.*

PEDELLVS, *Leg. Burg. c. citatio. 109.* The ſerjand or Beddle of the burgh, quha ſuld execute ſummondes: make attachments, or take poindes. *Quon. attach. c. nullus 57.* Quhairof they haue na power, without their awin juriſdiction. *Aſſ reg. David. c. nullus 14. Dicitur autem pedellus a pedo· hoc eſt, baculo*, becauſe all ſik ſerjandes ſuld vſe ane wand, ſtaffe, or halbert. Iam. 1. p. 6. c. 99.

PEDE-*pulveroſus*, ane French word, *pied puldreux*, duſtie-fute, or an vagabound, ſpeciallie ane merchand or creamer, quha hes na certain dwelling place, quhair the duſt may be dicht fra his feete or ſchone, *De Maritag. c. ſi quis 9. leg. Burg. c. ſi burgenſis 141· de indus. c. 47.* To quhom Iuſtice ſuld be ſum-

mond·

marly miniſtred within three flowinges and ebbings of the ſea. Ane pedder, is called an marchand, or creamer, quha bearis ane pack or creame vpon his back, quha are called beirares of the puddill be the *Scottes men* of the realme of *Polonia*, quhairof I ſaw ane great multitude in the Towne of *Cracowia* anno. *Dom.* 1569.

PENSION, ane dewtie, ſik as ane annuel-rent: For that quhilk in the act of Parliament. Iam. 2. p. 11. cap. 41. Is called the penſion of *Cadzow*: In the Checker rolles is called the annuel rent of *Cadzow*. And ſiklike in the ſamin place mention is maid of the penſiõ of the ferme meil of *Kirk patrik*, quhilk conteinis fiue chalder of ait-meill, quhilk the Abbot and convent of *Paiſlay* payis zeirly foorth of the Kirk of *Kirk-patrik*, to the king, as ane pairt of his annexed propertie, as is manifeſt in the Schireffe rolles of the Checker of king Ia. 3. 1487. *In libris feudorum*, *Soldata* is ane zeirly free gift and donation, induring the life time of the giuer, and is ſwa called, *a ſolido, quia plerumque in ſolidorum donatione conſiſtit. §. 1. quis dicatur marchia. lib. 5. de feud.* Penſion of Cadzow. Penſion of Kirk Patrik. Soldata

PLACITVM, From the French word *Plaider*, pley, contention, ſtrife, or debate. *Placitare, ſignificat litigare & cauſas agere. Molinæus in ſtil. ſuprem. cur. Par. part. 1. c. 6. part. 2. c. 3 Et D. Smith. lib. 2. c. 10.* of the commoun weill of England. *Vid. Mote. Placita coronæ*, pleyes, or criminall actiones perteining to the Kingis Crowne and juriſdiction allanerlie, or to his Iuſtice generall, quhilkis are foure in number: Robberie, or rieſe: Raviſhing or deforceing of weemen: Murther, and wilfullfire, ſik as burning of houſes wilfullie, and malitiouſlie. *vid Murthrum.* Quhairof, or of onie ane of them, gif ony happenis to be convict, all his gudes perteinis to the King allanerly, in the ſamin maner, as is ſtatute of the gudes of traytoures. *Leg. Mal. Mak. cap. 3* Pleyes of the Crowne

PLEGIVS, ane pledge, borgh, or cautioner, *dimittere terras ad plegium*, To let landes to borgh, is quhen ony controverſie, being for the poſſeſſion of landes, the ſamin after inquiſition and tryall taken there-anent, given and committed to the laſt lauchfull poſſeſſour of the ſamin landes, vnder borgh and caution, that he ſall reſtore the ſamin to him, quha ſall be found to haue richt thereto. Ia. 2. p. 14. c. 26. Or quhen twa perſones contendis be way of deede and armes, for the poſſeſſion of ony landes: The ſuperiour thereof may recognoſce, or take to himſelfe the poſſeſſion of the landes, vntill it be tryed quha was laſt lauchfull poſſeſſour thereof: And then let the landes to him to borgh, and vnder caution, as ſaid is. *Stat. Rob. 3. c. Nota. 21.* Certaine cornes growand vpon debatable landes, betuixt the L. R*uthven*, & the L. of *Copemalindie*, be decreete of the Lords, ar lattin to borgh to the ſaid Laird, he find and caution that the ſamin ſalbe furth-cummand to them, quha recoveris the ſamin be law, without prejudice of the richt of onie of the parties their-anent in time cumming. And like as the Over-lord, or judge for the cauſes foreſaid, lettis landes to borgh, to the poſſeſſour thereof, the tennent or poſſeſſour, *petit terras dimitti ad plegium*, deſires the landes to be letten to him to borgh, or vnder caution. *Stat. Rob. 3. c. 4.*

PORTEOVS, portuis. Ia. 1. p. 13. c. 129. Ia. 2. p. 14. c. 99. Ia. 5. p. 3. c 5 *A portando*, quhilk ſignifies to carie, or beare: In French *portes vous*, and ſignifies

ſes ane catalogue, contenand the names of the perſones indited to the juſtice air, quhilk is given and delivered be the juſtice clerke to the Crowner, to be attached and arreiſted be him, to compeir and anſwer to ſik accuſations and crimes, as ſalbe impute vnto them, and the porteous conteinis the names of them quha ar of new indited, & the names of them quha were indited of auld and of before, and compeired not: And quhen ony juſtice aire is cried or proclaimed, command is given be the juſtice to warne al perſons, aſweil indited of auld, as of new, to compeir in the ſaid aire, to vnderly the law. The crowner receivis the porteous, as ſaid is, and caries the ſamin with him, vntill the attachments and arreiſtments be maid, conforme thereto, & reportes the ſamin againe to the Iuſtice court: That theirby he may be controlled in execution of his office, ſa far as concernes the making of attachments and arreiſtments or probation theirof.

POST-NATVS *filius*, ane ſecond ſonne, narreſt to the firſt begotten, conforme to the French word, *lepuis aiſné. lib. 2. c. ſi ergo. 23. c. preterea. 25. c. ſæpe. 32. l'aiſné*, is the firſt borne ſonne, and therefore *le puisaiſnè* is *poſt primogenitum*, the ſecond ſonne.

PRISÆ ane French word *prinſes*, in Latine, *captiones*, ſik as ane poynd, diſtres, or moveable guds, taken for executiõ of ane decreit: for be the laws of France, *Priſæ ſunt rerum mobilium: ſaſina verò immobilium, quia bona immobilia non capiuntur, ſed ſaiſiuntur. Rebuffus in conſtitut. Reg. in tract. de liter. obli. art. 5. gl. 2. & de præconum licitationibus ar. 1. gl. 2.* Quhairanent I finde ane ordinance maid, *de modo capiendi priſas*, be King *David* 2. 18. Feb. 1269. the 40. zeir of his reigne. *Priſæ ſeu captiones domini regis, perſolventur & capientur ſecundùm conſuetudines antiquitus approbatas, & de terris illis de quibus priſæ regis, & ſervitia debent ſumi, & quod in ijs faciendis non fiet taxatio iuxta numerum bovatarum, ſed ſecundùm verum valorem bonorum.*

PROPORCITAS. *proportatio aſiſæ*, the proport, report, declaration, or deliverance of ane aſſiſe. *Stat. Alex. c. ſtat. dom. 5. Quon. attach. c. ſi quis appellet. 53. aſſiſa reg. Da. c. 9. c. ſtat. 30. c. ſtat. dom. 38.* Vtherwiſe it is called, *veredictum aſiſæ*, the veredict or ſuith-ſaying of ane aſſiſe. Becauſe the aſſiſoures ar ſworne to declare the truth and veritie, and therefore ar called *Iuratores*. Like as the aſſiſe is called *Iurata*, or *Iurata patriæ, ſive vicineti, lib. 1. c. dicitur. 74.* And in the Engliſh lawes, ane Iurie.

Three kinde of purpriſion.

PVRPRESTVRE, *Purpriſion*, ane French word, for ane wrangeous vſurpation, taking, or occupation of ane vther mans landes, quhairof there is three kindes. *Lib. 2. c. dicitur. 74. de indic. c. purpreſtura c. 138.* The firſt is, quhen any man occupies vn-juſtlie ony pairte of the Kings domaine, and proper landes. Or quhen ony ſtoppis or cloſis vp the Kingis common way, paſſage or ſtreete: Or returnis or divertis rinnand waters fra their richt courſe: Or within the Kingis Towne and Burgh, occupies the Kingis Calſay, or commoun gaite, biggand vppon onie pairt thereof: Or remoueand onie thing there-fra: Or converting onie pairt theirof to his awin vſe. And generallie, quhen onie wrangeous occupation is maid to the hurt and skaith of the Kingis tennente, the Kingis ſtreete, or commoun way: Or of the Kingis Burgh. The quhilk kinde of *Purpreſture*, ſuld be decided before

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the Kings juſtice and his deputes, be ane condigne aſſiſe. And he quha is convict theirof, ſalbe in the kings mercie, and puniſhed conforme to his wil in his bodie, and in all his landes quhilk he halds of him: and mair over ſall reſtore that quhilk he vnjuſtlie bigged and occupied. The ſecond kinde is, quhen ony vaſſall occupies and vſurpes ony landes againſt his over lorde, vther then the King. Quhilk controverſie may be decided be the over-lord in his awin court, and gif the vaſſall is convict to haue done wrang, he tynis perpetually all the landes quhilk he haldis of that ſuperiour. The quhilk juriſdiction and power of halding of courtes of *Purpriſion*, perteinis to ane Barron, and to vthers, quha ar abone him in power and dignity; ſik as Earles and Lordes. For na vaſſall, ſubject, nor vther tennent vnder ane Barron, hes power to hald ſik courtes. *Iam. 3. p. 10. c. 79.* The thrid kinde of *purpreſture*, is againſt ony vther except the King and the ſuperiour: As betuixt nichtbour and nichtbour, ſubject and ſubject: quhen ane wrangeouſly occupies the Lande perteining to ane vther, or troublis him in his meithes and marches: quhilk moleſtation perteinis to the Schireffe, to be tryed before him, be ane brieue, *de nova diſſaſina*, or *de rationalibus diviſis*. Be the law of England. *An. 4 Edward. 1. de bigamis. c. 4.* gif ony vſurpis and occupies within the Kingis liberty, or ony vther place, contrair the King: Incontinent without proces or ordour of law, the King tuik the land in his awin hand, and thereafter it was leiſum to ony perſon, havand entres to compleine thereanent: the lik forme is permitted be the lawes of this realme, anent the Kings cuſtomes. Ia. 1. p. 1. c. 8. And his annexed propertie. Ia. 2. p. 11. c. 41.

PVTAGIVM, ane French word, huiredome or fornication. *Lib. 2. c. in cuſtodijs 9. c. vlt. § 2.* Quhair it is manifeſt, that ane air femaill, being within waird, and of leſſe age, and committand fornication, tynis and forefaults hir pairt o the heritage, and the ſamin accreſcis, and perteinis to the reſt of the co heires, or comportioners, gif ony be. And gif there be ane heretrix alanerly, quha commits the ſaid fault; all and haill her heritage perteinis to the ſuperiour. But gif ane heretrix of landes, hes bairnes lauchfully gotten in mariage: and after the deceaſe of her husbande, in the time of her viduitie, committis fornication: neither ſche nor her bairnes, tynis the heritage. *Quia putagium matris non adimit hereditatem*: The huirdome committed be the mother, dois not diſheriſh the lauchfull bairnes.

Q

QVARENTENA *viduarum*, in the ſtatutes *Rob. 3. c. de viduis. 22.* From the French, *la quareſme des veſues*, ſignifies the priviledge of fourty daies granted to Widdowes, after the deceaſe of their husbandes, conforme to the Lawes of England, *Anno 20 Henr. 3. c. 1* Quhair it is ſtatute anent Widdowes, quha after the death of their husbandes may nocht haue the dowries of the landes, quhairin their husbandes died veſt and ſaiſed: And it ſall happen the ſaidis Widdowes to recover the ſamin thereafter be pley or proceſſe: They quha troubled and moleſted them, being convict of ſik

wrangeous deforcement, ſall zeild and pay the damnages and skaith, to the ſamin Widdowes. That is to ſay, the valure of the haill dowrie belanging to them, from the time of the death of their husbandes, vnto the day that the ſaidis Widdowes obteinis decreeit in judgement. And the ſaid deforcers neverthleſſe ſalbe amerciat, at the Kingis pleaſure. In the quhilk place it is plaine, that *Quarentena viduarum*, conteinis the ſpace of fourty daies: during the quhilk ſpace, ane Widdow may tarrie and remaine in the chiefe dwelling place of her husband, vntill her dowrie be aſſigned to her, and in the meane time ſuld be ſuſteined vpon the profites of the heritage. And it is likewaies written in *Magna carta, anno. 9. Hen. 3. c. 7.* quhilk is conforme to the Lawes of France, as writis *Iohn Papon* in his arreiſtes. *lib. 15. Tit. des dots. c. 7 & lib. 10 tie. ſubſtitutiones. c. 30. per authenticam præterea. C. vnde vir & vxor.* And in the Burrow-lawes of this Realme, the ſecond, or thrid wife of ony Burges, after the deceaſe of her husband, may not remaine in the houſe perteining to his aire gotten of ane vther wife, bot onely fourty daies. *Leg. burg. c. ſi burgenſis duas 25.*

QVHATECVS, ane kind or forme of bread, quhilk wee call ane fage, or phage, from the Greeke word φαγω, *comedo* to eate.

R.

RACHETVM, ane French word, *Rachapt*, ane ranſon: In ſum buikes it is called *Rechatum, tranſpoſitis literis. Stat. 1. Rob. Br. cap. 1. Stat. 2. Rob. Bru. c. 7.* Quhair it is called thieft-bote: and in ſum auld buikes *Rachetum. Rachetum eſt thiftbute vel redemptio capta pro venditione furum, latronum vel aliorum malefactorum*: that is, thieft-bote or redemption taken for thiefues, robbers, or vther malefactoures.

RAPTVS, rape, raviſhing or deforceing of weemen, quhilk is ane of the four poyntes or pleyes perteining to the Kings Crowne, and to nane vthers. *vid placitum. vid Murthrum.* Raviſhing is ane crime, quhairof ane woman accuſis ane man, alledgand ſhe is oppreſſed or defiled be him, againſt the Kings peace. *Lib. 4. c. raptus 9.* The quhilk complaint ſuld be maid the ſame day and nicht, in the quhilk the crime is committed, *Quia lapſu diei hoc crimen præſcribitur. Quo. attach. c. de catero 48. Statuit. Wilh. c. Item ſtatuit.* In the lawes of England *Weſtm. 11. c. 14.* Rape is quhair ane man raviſhis or takis ane vther mans wife, widdow, or maiden violently, and hes a do with her againſt her will. And albeit ſhe afterward conſent, zit it is fellonie, quhilk is confirmed be *Cheſſ. in conſuetud. Burgund. Rubric. 1. verb. Es droicts d' icelle Nu. 43.*

REIF, or robberie, is likewaies ane of the four poyntes of the Crowne. *Lib. 4. c. die luna 11. leg. Malc. Mak. c. 4. aſſ. reg. Da. c. 1.* Robberie is quhen ane man lyis be the Kings hie-waie, paſſing to mercat-towns; in woodds, ditches, or ony vther ſecreit place, quhair people cummis furth by, and robbis & ſpuilzies them, albeit he take away bot the valour of ane pennie, or leſſe, it is felonie: For the mala-pertneſſe of the deede, breaking of the Kingis peace, and the daunger in the quhilk ane man is of his life, cauſis the offenſe

to

to be the greater, then gif the geare ſwa robbed or ſpuilzied had bin thiefteouſly ſtollen, as is written in the Lawes of England. *Ye n.23.Hen.8.c.1.* In the law of Normandie *lib.3.c.1.* Robbery is the taking of vther mens geare be force and violence: And the committers theirof, in Latine ar called *raptores*, in French *voleurs* or *Robeures*, and is different from thieft quhilk is committed quietly and privily, without violence. Mair-over, riefe is ane greater crime then thieft, becauſe riefe is committed baith in the gudes, and in the perſon of the poſſeſſour theirof; and thieft is of the gudes and geare allanerly, *Cheſſ. in conſuet. Burgund. rub.1.§.5.* Be the law of this realm, the complaint of riefe or robberie ſuld be maid be him quha is robbed, & damnified within the time, as is foreſaid, of the raviſhing of weemen. *Quon. attach. c. de cætero 48. lib.4.c. raptus 9.*

Difference betuix riefe and thiefe

RECOGNITION of landes is commonly vſed in the Law, and practicque of this realme. *Sicut feudum dicitur aperiri domino: ita terra dicuntur cadere in commiſſum: ſicuti fit in hoc caſu ob culpam vaſſalli, & in Emphyteuſi.* or few lands, *ob non ſolutum canonem ſeu penſionem. lib.3 c.ex locato.11.* For the vaſſall tynis landes halden be him be ſervice of ward, be reaſon of his awin fault, as ſalbe hereafter exponed: and the proprietar of few lands, may tine and fore-fault the ſamin, for none payment of zeirly duty. *Cognoſcere*, is to knaw and vnderſtand, *recognoſcere* is to knaw againe, or at the ſecund time to vnderſtand: for generally, all ſuperiors of quhom lands ar halden in chief, firſt hes bin proprietars of the ſamin lands: quhilk lands being annalied, and ſauld be them heritably, to be halden of themſelues and their aires, ceaſis to be propertie to them, and becomes tennendry immediatly halden of them and their aires. And gif it happenis the vaſſall or poſſeſſour, to quhom the lands ar ſauld, to commit ane fault or crime, quhairby he tynis & forefaultis the lands: the ſuperiour hes entreſſe & regreſſe to the property of the lands, and may recognoſce the ſamin, and as it were the ſecond time vindicate to himſelfe the propertie thereof. Swa the ſamin lands, quhilks were firſt propertie to him, and thereafter tennendrie, be reaſon of the alienation, nowe becomes againe propertie, and returnis to their firſt nature and condition, *Iure accreſcendi, ſeu potius conſolidatione proprietatis cum ſuperioritate, ob culpam vaſſalli.* Recognition properly in the practicque of this Realme, is quhen ony vaſſall, or free tennent, haldand his lands be ſervice of warde and relieue, ſellis and annalies all and haill his landes with their pertinentes, or the maiſt pairt thereof, without licence, conſent, or confirmation of his Over-lorde. In the quhilk caſe, all and haill his ſaidis landes, alſwell not annalied, as annalied, as ſaid is, may be recognoſced and reſaiſed in the ſuperiours handes, and baith the propertie and poſſeſſion theirof perteinis to him to be bruiked or diſponed be him at his pleaſure, quhairof diverſe and ſindrie practicques ar extant in the Regiſter in the daies of King *Iames* the Fourth, of gud memorie. The ſuperiour vnderſtanding the landes to be wrangeouſly annalied, as ſaide is: incontinent thereafter may vſe the recognition thereof, and without proceſſe or ordour of law, may take ſaiſing of the ſamin, conforme to the auld practick of this realme: Becauſe the ſamin alienation is done to his diſhonour and contempt be his vaſſall, quha ſuld do reverence and ſervice

vice to him, and therefore without his conſent ſuld not do ony thing to diſ-
The cauſes of recognition. ſolue the league and band, quhilk is betuixt them. Mairover the vaſſall may not make the ſaid alienation, becauſe theirby, he may becum puir, and vnable to do to his ſuperiour ſik ſervice, as he ſuld do of he Law. *Cuia. Lib. 1. De feud.* And not vnderſtanding that the laiſing is taken be the ſuperiour; zit the vaſſall or poſſeſſour tinis nor forefaltis na waies the propertie of the ſaides landes, vntill zeir and daie be out-run: Swa that he do diligence with in fourtie daies after the ſaid recognition, and taking of the laiſing, to craue and aske fra his ſuperiour the ſaides landes to him to borgh, that is, to repledge them, findand pledge and caution, that he ſall be reddie to do to his ſuperiour, anente the ſaides landes, all that equitie and lawe requitis. *Stat. Rob. 3. cap. 2.* . This kinde of recognition is conforme to the Lawes of the Fewes. *Quia feudum amittitur, ſi fidelis libellario nomine, amplius medietate in feudum dederit aut pro pignore plus medietate obligauerit. §. 1 quib. mod. feudum amittatur. & §. 1. de alienatione feudi. Et in iure Canonico. c. 2. & ibi gl. extr. de feud. Porrò libellarius contractus dicitur, venditio, quæ fit ſcriptura interueniente, certo pretio, & certa penſione conſtituta, in annos ſingulos, vt poſt Feudiſtas ſcribit*
Libellarius contractus. *Cuia. in d. §. 1.* Recognition of Landes is ſum times generally taken monie waies. *Stat. Rob. 3 cap. nota quod iſte.* 21. Firſt, gif the vaſſall deceaſis, the ſuperiour may recognoſce and reteine all the landes halden of him vntill they be recovered fra him be the entreſſe of the righteous aire, and that be reaſon
Sindry formes of recognitiõ. of none-entries.

2 After that the aire hes recovered the landes furth of the hands of his ſuperiour: Nevertheleſſe the ſuperiour may recognoſce and reteine the ſamin, vntil ſecurity be maid to him for paiment of the relieue, *vid. releuium.*

3 Gif the vaſſall is fugitiue for ſlauchter, and not law bidand, the ſuperiour may recognoſce the land halden of himſelfe, ſa lang as the felon or manſlayer happenis to liue. Conforme to the quhilk, be the actes of Parliament, the life-rent of the vaſſall, being zeir & daie at the horne, perteinis to the immediat ſuperiour, except he be rebell for treaſon, in the quhilk caſe, his life-rent, and al his lands, guds and geare moueabe and immoueable, perteinis to the King allanerly, *Quia pœna debet eidem applicari aduerſus quem committitur culpa. 4.* Gif the vaſſal annalies his landes, or the maiſt pairt thereof, without licence, conſente, or confirmation of his Over-lord: The over-lord may recognoſce the ſame, as ſaid is. Bot in this caſe he is obliſhed to let the lands to borgh, to his vaſſall; askand and cravand the ſamin within the lauchful ſpace of fourtie daies, after the recognition; and laiſing taken vntill it be tryed be the Iudge Ordinar, quhidder the cauſe of recognition be lauchfull or not. Quhilk being found lauchfull, the judge ſuld counſell the King, and decerne ony vther ſuperiour to hald his handes fra the Landes, and let them to borgh to his vaſſall. And gif the cauſe be found juſt and reaſonable; The judge ſuld decerne the propertie, and poſſeſſion of all and haill the landes, to perteine and remaine with the ſuperiour.

5 Quhen twa or mair partes contendis be way of deede & armes, for the poſſeſſion of lands, the ſuperior thereof, may recognoſce & ſequeſtrat the ſamin, vntil it be tryed quhilk of them is lauchful poſſeſſour: & thereafter let

the

the landes to borgh to him, quha is found to haue beſt poſſeſſion.

6 The ſuperiour may recognoſce & reteine lands halden of him in chief, for ſervice aucht to him, furth of the ſamin landes. Bot be the practicque of this realme: The ſervice aucht to be proven and liquidat, and thereafter the lands may be lauchfully compriſed.

7 Lands halden in few-ferme, payand ane certaine zeirly dewty, *nomine feudi-firmæ*, may be recognoſced be the ſuperior, for none-payment of the few dewtie, and that twa maner of waies. The firſt, *exproviſione legis & natura contractus*. For the few-fermorer not payand his few-ferme, for his ingratitude and vnthankfulnes, tinis and fore faltis his few-ferme, be the diſpoſition of the Law, quhilk as zit was not in practicque and vſe within this Realme.

The ſecond is, *ex proviſione hominis, & conditionibus contractui inſertis*, quhilk is called ane clauſe irritant, as quhen ane clauſe and proviſion is conteined in the infeftment, that if twa or maa termes run in ane non-payment of the few-ferme duetie: then and that caiſe, the infeftment of few-ferme to be *irritum*, null and of nane availe, quhilk is conforme to the dayly practick of this Realme, *Quia pacta conventa legem contrahentibus præſcribunt. vid. l. & Tit. c. de iure emphyteu.* Alwaies, be the act of Parliament maid be *Ia. 6. p. 15. C. 246.* Alienations of lands maid in few-ferme, are null for not-payment of the few-dewties, be the ſpace of twa zeires, albeit na paction or proviſion be maid there-anent in the infeftment. Clauſe irritant

RECORDVM, *Recordatio. lib. 1. c. contingit. 31.* quhair-anent I finde difficultie. Alwaies *recorda ſummonitionis*, ſignifies the rehearſe, reporte, or teſtification of the execution of the ſummondes, brieue, or vther precept. *Ia. 1. p 9. c. 112.* quhilk execution, is now called *Indorſation*. Becauſe commonly it is written *in dorſo*, and vpon the backe of the ſummondes, *leg. Foreſt. 1. 25.* And be the practik and daily conſuetude of this realme zit obſerved, the execution of all brieues before inferiour judges, and of all criminall ſummondes before the three Eſtaites in Parliament, ar verified in judgement, be the record of the executor theirof, and twa witneſſe at the leaſt. And in auld times the ſeriands or maires, maid the record of the ſummonds, be word, or be writ, as they pleaſed: & verified the ſamin, as ſaid is. And vntil the ſamin were done, the defender could not be compelled to make ane anſwer. *lib. 1. c. cum autem 8. de iudic. c. 50.* And King *David* the ſecond. 18. Feb. 1369. & of his reigne the fourty zeir, ſtatute and ordained anent the record of ſeriands or maires, that the ſummondes and record theirof, ſall bee put in writ, gif it pleaſe the ſerjand or maire, and he ſall reade the ſamin gif he can, in plaine court: Vtherwaies, he may mak the record be worde, in the beſt forme hee may, and gif he failzies, he may be helped and ſupplied be interrogatours of the judge, concerning all and ſindrie clauſes or artickles, neceſſarlie vſed in the record of ane ſummondes, quhilk record the ſerjand or maire ſall priue ſufficiently be lauchfull witneſſe. And the ſaid record being ſwa maid, the ſamin ſalbe received as lauchfull, and the contrair partie ſall not be heard to obiect againſt the ſame, or to propone ony exceptiõ againſt the lauchfulnes theirof: And it ſall be leiſum to the Schireffe, his depute, ſerjand, mair of fee Iadorſation

or ony vther depute serving in the office of ane serjand or mair, be the authoritie of the summondes of the record or indorsation thereof, swa that they be qualified, and abill to do the samin. Ia. 1. p. 9. c. 112.

ITEM, *recordum curiæ*, signifies the report, rehersall, or minute of that quhilk is done in court or the interloquutour of the court. *lib. 1. c. contingit. 31. Quon. attach. c. nullus sectator 20.* In the Normand law, *li. 9. c. 31. vid Sectator. vid. Varda* quhilk in the auld times was nocht written in buiks, bot inrolled togidder in paper. Like as the Kingis rolles are zit written in Parchment in the Checker. Therefore they are called the rolment of courte. As the Kingis rolles or *rotuli*, and the Clearke of Register *clericus Rotulorum*, in Latine properlie *volumina, quia involuuntur, & in se quasi retorquentur*. And it is to wit, that actiones and pleyes, are either directly, and from the beginning persewed in ane court: or they cum fra an inferiour court, to ane superiour *per translationem. lib 3. c. preterea. 16*, quhilk now is called advocation: As quhen ane pley or cause, is advocate from ane inferiour judge, to ane superiour: quhilk advocations are permitted and leasum to be maid to the Kings court allanerlie, be the auld law of this realme, sik as the justice court or Schireffe-court: & now be the practick vsed, and observed, to the Lords of Session, and College of Iustice: And swa because he quha alleaged that wrang was done to him in the inferiour court, rayled the record, or interloquutor pronounced against him, and summound the judge to compeire before the Kings Iustice, or Schieffe, to heare and see him decerned to haue done wrang, Therefore *sola curia domini regis, dicitur habere recordum. h. e. Potestatem cognoscendi de recordis & interloquutoriis, quæ transferuntur ab inferiore curia ad superiorem.* Albeit ilk lauchtull court, sik as ane Barrone courte, hes their awin recordes, and interloquutoures, in all sik actiones as ar intended and decided before them, and nocht Advocate to ane superiour judge.

Rollment of Court.

REGRATERIS. *leg. burg c. regratarij. 70.* Quha byis ony merchandice or vther thing, and takis vnleasumlie greater price for the samin afterward, as is exponed be Ia. 2. p. 6. c. 23, 24. Ia. 6. p. 12. c. 148. In the civill law, regrateris are called *dardanarij, qui emunt, vt possint postea pluris vendere. l. annonam. 6. de var. & extraord. crim. A quodam Dardano, qui annonam flagellabat. Alciat. lib. 4. de verborum significatione.* And swa regraters are so called be reason of the augmentation and hichting of the prices. Forestallers are properlie they quha pre occupies and byes merchandice before it cum to the mercat, or to the stall, or place quhair it suld be sauld, or the time of day statute and ordained theirto. Ia. 5. p. 4. c. 20. And mair over it is statute that na man dwelland within burgh, or without the samin, sall vpon the Faire daie, bye ony thing out-with the portes of the burgh, *c. nullus. 75.* And likewise, na person suld bye fish, flesh, victuall, or ony vther thing before mercat day, or the ringing of the bell in the steipel. *Stat. gild. cap. 29.* And mair-over forestallers are challenged and accused, because they sell their gudes, and payis not the Kingis custome; that they sell their gudes privilie vpon their awin fluire, that they ar fore-byars of quheate, beare, aites, cattel, & ar cowperis & sellers theirof, turnand the samin in merchandice. *leg. burg. c. de modo calumniandi forestallatores. 154.*

Dardanarii

Forestalles.

RELE-

RELEVIVM, ane French word, from the Latine, *relevare*, quhilk is to relieue or take vp that quhilk is fallen. For it is given be the tennent or vaſſall being of perfite age, after the expiring of the ward to his over-lorde, of quhom he halds his lands be knicht-ſervice, that is, be warde and relieue, and be payment thereof he relievis, and as it were raiſis vp againe his lands, after that they were fallen downe in his ſuperioures handes, be reaſon of wairde. *Lib. 2. cap. dicitur autem 72. Leg. Foreſt. cap. ſi quis Comes 73. de iudic. 65.* And the profites of the Landes of the zeir, after the ende of the wairde, quhilk ſuld be given in name of relieue, are vnderſtand to be the retoured maill, of the ſaides landes, conforme to the new extent thereof. And therefore git there be bot onelie wairde, and the aire enter before ane terme run thereafter, the King or vther ſuperiour ſuld haue na relieve, *Quia hærede ad ætatem perveniente, & facta ei hæreditatis reſtitutione, quietus erit a relevia, ratione cuſtodiæ. Lib. 2. c. tandem 70.* Be the law and conſuetude of this realme, the ſuperiour micht nocht be compelled after the wairde, to reſtore the Landes to his vaſſall, vntill he had bene firſt ſatisfied for the relieue: becauſe he had libertie to reteine the Landes, vntill the ſaid ſatisfaction were maid. *Stat. Rob. Bru. 3. cap. nota quod iſte 21.* Or elſe it was leaſum to him as he pleaſed, to poynd the ground therefore, *Quia dominus poteſt diſtringere tenentes ſuos pro ſuo relevio, & ſervitio de feudo ſuo ſibi debito, lib. 2. cap. Sunt quidam 73.* Bot now be the common practicque, the non-payment of the relieue, is na lauchfull excuſation to the ſuperiour, anent the receiving of his vaſſall. Bot he will be compelled be precepts of the Chancellarie, to receiue his tennente, or elſe he tynis the ſuperioritie, induring his life time. And it is leaſum to him to poynde the grounde for payment of the relieue. *Quia relevium eſt debitum reale, & adhæret fundo.* The beginning, and the firſt inſtitution of the warde and relieue, was in the time of *Malcolme* the ſecond, called *Malcolme Mac Kenneth*, Quha gaue all and haill the Landes of this Realme to the inhabitantes thereof, and reſerved nathing to himſelfe in propertie, bot onelie his royall power, and the Mute Hill of *Scone*, quhair be ſuld hald Courte, and receiue homage and fealtie of his vaſſalles: In recompenſation quhairof, all the Barronnes gaue vnto him, the waird and relieve of the aire of ilk barronne, for his princely ſuſtentation. In the Engliſh Lawes, reade in *Magna Carta. Anno. 9. Henr. 3. cap 2.* And the ſtatute of wards & relieues, maid be King *Ed.* the Firſt. 18. zeir of his reigne

REPLEGIARE, To replege, that is, quhen ony man, be vertue of his awin juriſdiction, bringis backe-againe, or reducis to his awin court his awin man, fra ony vther mannis court, & leauis ane plege or cautioner behinde him, for adminiſtration of juſtice. *vid. Culrach.* It is not leaſum to ony man to replege fra ony vther court ony perſon, bot his awin liege man, or halding land of him, or remainand in his ſervice, as ane of his familie or conſanguinitie. *Stat. Alex. c. Anno 4. Stat. 2. Rob. Bru. c. 11. Aſſ. reg. Dauid. c. Statuit. 37.*

Eſſonium de Reſeantiſa

RESEANTISA, *Lib. 1. c. Eſſoniorum. 10.* Ane ſeikneſſe and infirmity, quhairby ony man is heavely vexed. *Eſſonium de Reſeantiſa, idem ualet quod excuſatio, de malo lecti*, Bedde-evil. *Cumquis morbo ita affligitur, vt ſit lecto affixus*

in French, *Mal de Lit. ſtat. Rob. Br. c. 5.* In the law of Normandy. *Lib. 9. c. 10. Eſſoinzie* or excuſation of *Mal reſeant*, is quhen ony perſon lyand bed-faſt in his awin houſe, or ony vther place, is heavely vexed with ſeikneſſe, that may not travell without danger of his life. *In iure civili morbus ſonticus dicitur, qui cuiuſque rei agendæ, impedimento eſt, veluti febris: Et legitimam excuſationem ac dilationem præbet. L. Quæſitum 60. ff. de re Iudic. Aulus Gellius Lib. 20. c. 1. Appellat Morbum ſonticum, quemlibet morbum vehementiorum, vim graviter nocendi habentem.*

Morbus ſonticus

RESPONDE, Or the buike of *Reſponde*. Ia. 6. p. 11. c. 73. It is maid and written be the directour of the Chancellarie: For quhen hee directis precepts to the Schireffe or vtheris, to giue ſaiſing of ony landes retoured before him to the Chancellarie: He makis ane memoriall of the daite of ilke precept and dewtie of the landes, with the manner of halding: And commandis the Schireffe to take ſecuritie for the ſamin, during the time of the warde, and none-entreſſe, and of the relieve auchtand to the King, gif the landes be halden be ſervice of ward and relieve: Or of the doubling of the few-ferme, or of the blanch-ferme, according to the halding of the landes. Quhilk buik zeirly is preſented to the checker: And ilk Schireffe, and vther judges, givers of ſaiſings vpon precepts, direct furth of the Chancellarie, ar charged there-with in their comptes, compelled to make anſwere thereto, and payment of all ſummes conteined therein: for the quhilk cauſe, it is called *Reſponde*, quhilk is the firſt word of ilk artickle of the ſaid buik. Further in the end of the ſaidis precepts, it is ſaid, *præſentibus poſt proximum terminum minimè valituris.* And therefore, gif the obteiner of the precept furth of the Chancellarie, lye out and take not ſaiſing vpon the ſamin, quhill ane terme and maa be by run, after the dait thereof, he ſuld come againe to the Chancellarie, and rayſe ane new precept, quhairin is augmented the by-run mailles of the landes, ſen the dait of the firſt precept, and ane new memoriall or *Reſponde*, is maid theirof.

RETOVR, quhom be it is maid, and quhy it is ſa called. *vid. breve. de morte anteceſſoris.*

REGRES, from *Regrediendo*, like as

REVERSION, *a Revertendo*: For like as the byar of landes, lettis them returne to the ſeller thereof, be the reverſion given vnto him. Even ſwa, be the regreſſe the ſuperior of lands wed-ſet be his vaſſal, after the redemption thereof, ſuffers the firſt ſeller of the ſamin to come backe againe to his awin place, anent the halding of them, as he did before the ſaid alienation. Swa reverſion and regreſſe are different: For reverſion is given be him quha byis the land, *Cum pacto de retro-vendendo*, to the annalier thereof. In French it is called *Ius reacheptus* or *reachept*. And ane regreſſe is given be the ſuperiour of landes, to the annalier thereof, quhairby he promiſis to receiue againe him, or his aires to be his vaſſalles, as they were of before, quhen it ſall happen ony of them to redeeme the ſaidis Landes. 27. November. 1567. *George Halyburnton*, contrair the Laird of *Halton*. And gif ony man annalies landes vnder reverſion, to be halden of him and his aires, ane regreſſe is not neceſſar. For they being afterward redeemed, he quha firſt annalied them, recoveris

Reachept.

recovers the property theirof, without ony new ſaiſing, & the ſame returnis to him, and is conſolidat, with the ſuperioritie quhilk he reſerved to him & his aires, the time of the alienation. Bot gif ane man annalies lands to ane vther, vnder reverſion to be halden of the ſuperiour, and the byar thereof obteine inſeftment, & ſaiſing halden of him: The annalier thereby is denuded of the propertie, and alſwa is na langer vaſſall to his former ſuperior, and can na waies recover his former eſtait, bot be redemption of the lands, conforme to the reverſion graunted be him quha boucht them. And alſwa be ane regreſſe, given to him be the ſuperiour. In the quhilk caſe it is neceſſare to him, quha firſt annalied the landes, and there after redeemed them to tacke new ſaiſing, to the effect the propertie quhilk was firſt annalied may returne to the ſeller. And that he may halde the ſamin landes in chiefe of his ſuperiour, and his aires, as he did before the alienation. And it is generallie to be obſerved, that quhair ane regreſſe is required, ane new ſaiſine is neceſſare. In auld times, the reverſion was continued in the chartour, as is manifeſt be diverſe Chartoures, zit extant in the regiſter, given in the time of King *David* the ſecond: conteinand the tenour of the reverſion after the clauſe, *Tenen & haben*, and vthers auld chartours in the forme after following.

OMNIBVS *hoc ſcriptura viſuris vel audituris I. dominus de A. Salutem in domino. Noveritis me conceſſe, impignoraſſe, & ad immobile vadium dimiſiſſe, & hoc præſenti ſcripto meo confirmaſſe, nobili viro V. de F. Omnes terras meas de A. cum pertinentijs, in baronia de C. infrà vicecomitatum de B. pro viginti Marcis vſualis monetæ Scotiæ, mihi per prædictum V. tempore conſectionis præſentiũ, ad opus meũ valde neceſſarium, gratanter mutuatis, & in vſus meos converſis. Tenen & haben præfato V. hæredibus ſuis & aſſignatis, a me, hæredibus meis & aſſignatis in feodo & hæreditate, cum omnibus cõmoditatibus libertatibus, et aiſiamentis ac iuſtis pertinentijs quibuſcunq; adeo liberè, & quietè, plenariè, & honorificè, benè, & in pace: ſicut ego vel prædeceſſores mei, præfatas cum pertinentijs, liberiùs aut quietiùs tenui, aut poſſedi, tenuerunt, aut poſsiderunt, aliquo tempore præterito. Et ſemper quouſque ego prædictus I. hæredes mei, vel mei aſſignati viginti marcas præfatæ monetæ, prædicto V. hæredibus ſuis, vel ſuis aſſignatis, in vno die, inter ſolis ortum & occaſum eiuſdẽ,* Abirdene *in Eccleſia parochiali eiuſdem; ſuper magnum altare, ſimul & ſemel, perſolvero, vel perſoluerint ſine fraude. Fructibus, firmis, vel quibuſcunque alijs commoditatibus ſeu emolumentis medio tempore per prædictum V. hæredes ſuos vel aſſignatos, perceptis vel percipiendis, levatis vel levandis, indicta ſumma viginti marcarum, aut eius ſolutione, nullatenus computandis. Quia dedi, conceſsi, & aſſignavi præfato V. hæredibus ſuis, & aſſignatis, omnes præfatas firmas, fructus, & alias commoditates quaſcunque, & emolumenta de dictis terris cum pertinentijs, proveniẽ toto tempore, quo prædicta viginti Marcæ (vt præmittitur) non fuerint perſolutæ: ex mea libera donatione, & pura voluntate, pro ſuis, conſilijs, auxilijs, & gratitudinibus, multiplsciter mihi factis & impenſis. In quibus quidem terris cum pertinen præfato V. tradidi ſaiſinam, & poſſeſsionem corporalem ſibi, hæredibus ſuis, & aſſignatis, inxta tenorem præſentis ſcripti remanſuram. Ego verò prædictus I. hæredes mei & aſſignati, totas terras prædictas de A cum pertinen præfato, V. hæredibus ſuis & aſſignatis, iuxta vim, tenorem & effectum, præſentis ſcriptii, in omnibus & per omnia,*

con-

contra omnes mortales warrantizabimus, acquietabimus, & defendemus. In cuius rei teſtimonium huic præſenti ſcripto meo, ſigillum meum appoſui, & propter maiorem rei evidentiam, ſigillum Andreæ Giffard, tunc aldermanni de Abirdene, *præſentibus apponi procuravi. Apud* Abirdene *23. Auguſti. anno Domini. 1419. Teſtibus Laurentio de Abernethy, Domino de Rothemay, Domino Wilhelmo de Lundoris vicario de Abirkerdour, cum multis aliis ad præmiſſa ſpecialiter vocatis.* Bot now the Chartour is given be the ſeller of the lands, and the reverſion be the byar thereof, ſeuerally ſealed and ſubſcrived be them, and the byer keepis the Chartour, and the annalier keepes the reverſion, as their pröper evidentes, quhilk forme appeares to haue the beginning in the dayes of King *Iames* the Thrid, quha in the acts of Parliament. p. 5. 20. *Nov.* c. 27. callis the bying and ſelling of landes, be chartour & ſaiſing, and taking againe of reverſions, ane new invention: and for the mair ſecuritie, ordainis all reverſiones to be regiſtrate. *vid. Sterlingus. vid. Vadium.*

S

SCACCARIVM, the Checker, in French *Eſchequier*, the place quhair the Kingis rentes and patrimonie, allweill propertie, as caſualties, is inbrocht, compted and receiued, and the profites of all landes fallen in the Kingis handes be reaſon of warde. *Lib. 2. c. Si verò dominus 46.* Some callis it the ſoveraigne and ſupreame court, in the quhilk all cauſis and actions ar decided in the ſecond inſtance, ſpeciallie in the cuntrie of Normandy: For it is written in the law of Normandie. *Lib. 15. c. 1. in fine.* That *Philippus Pulcher*, did inſtitute twa Parliaments in Paris, and twa Checkers in Roan. *Paulus AEmilius* writtes, *Scaecarium* to be as it were, *Statarium, quòd homines ibi in Iure ſiſtantur, vel quòd ſit Stataria & perennis curia, cum cæteræ curiæ eſſent indictiuæ, nec loco, nec tempore ſtatæ.* As writis *Budæus in Annotationibus in Pandectas.* Be reaſon as ſaid is, the Checker was ane certaine ſtable-court, and nocht deambulatour, or runnand fra time to time, or fra ane place to ane vther: as the Seſſion of this realme was before King *Iames* the Fifth. *Qui inſtituit Stataria curiam, cum antè eſſet indictiva*: Be reaſon it did ſit thriſe in the zeire, quhair and quhen it pleaſed the King. Vthers thinkis that *Scaccarium* is ſo called, *a ſimilitudine ludi Scaccherum*: That is, the playe of the Cheſſe: becauſe mony perſones conveenis in the Checker to pley their cauſes, contrare vthers, as gif they were fechtand in ane arrayed battell, quhilk is the forme and ordour of the ſaid playe. *Ius Normand. Lib. 15. c. 1. in fine.* Vthers alleagis, that is cummis fra ane auld Saxon word, *Scata*, as writis *D. Thomas Smith*, quhilk ſignifies treaſure, taxation, or impoſt, quhairof, and of vther caſualities, compt and reckoning is maid in the Checker. Quhilk compte, (like as all vther comptes) is maid in ſik ſorte and forme, that *tabulæ accepti*, that is, the charge: And *tabulæ expenſi*, that is, the diſcharge, ar equall, and *ſic aquè*, becauſe the compter hes giuen furth na mair, nor he hes receiued: and allwa hes given als meikle furth as he hes receiued. Quhilk is called *pariare rationes*, and this compter is called *Pariator. l. vlt. §. idem queſiit de condict. indeb. l. penult. §. conductore de iure immunitat.* Or elſe the charge and diſcharge

are

are inequall in ſik maner, that the compter hes receiued mair nor he hes expended, and ſa at the fute of the compt, he is found reſtand awand certaine ſums vp-taken be him, and not given furth, quhilk is *reliquare rationes*, & this compter is called *reliquator*, & is obliſhed *reliqua inferre* to pay the reſt aucht and be him, *l. creditor 102. §. Valerius de ſolutionibus.* Or thridly, *tabulæ expenſi ſuperant tabulas accepti*, quhen the compter hes given furth more nor he hes receiued, and ſwa is ſuper-expended, quhilk is called προσδαπανᾶν, *h. e. ſupererogare, vel ſuperare rationes ſeu tabulas accepti.* And the compter quha makis ſik ane compt, is called προσδαπανητης, *ſupererogator*, Quhilk worde is vſed in the Euangel of S. *Luke. c. 10.* 35. quhair the *Samaritane* haueand pietie & compaſſion vpon the man, quha betuixt *Ieruſalem* and *Iericho* was ſpuilzied, and wounded be thieues and robbers, did commit him to be cured be the hoſte of his ludging, & gaue him twa pennies, & promiſed to recompenſe quhatſumeuer he ſpended mair. *vid. Ballivus.*

SACERBORGH, or rather *Sickerborgh*, *ſecurus plegius*, ane ſicker ſure, ſufficient cautioner. *Quo. attach. in prin. la. 2. p. 14. c. 75.* Is ane manner of borgh or caution, quhilk ane findis to ane vther, and ſpeciallie in actiones, or pleyes: for quhen onie man hes action to an vther for thieft or ſlaughter, quhairof he offeres to accuſe him iudiciallie: It behuiffes the perſewar, to knit and obliſh him, in the handes of ane officiar, or before ane iudge competent: and finde ſure caution, and ſicker borgh, that he ſall perſew in forme of Law. *Mod. ten. cur. c. 44. lib. 4. c. 1. Stat. Alex. c. 9. c. ſi quis conqueſtus 10.* In the civill law, the accuſer in criminall cauſes *cogitur nſcribere nomen. l. 3. ff. de accuſat.* And conforme to the practik & law of this Realme, the perſewer quhen he raiſis the Letters, findes Caution to reporte the ſamin againe, dewlie execute and indorſat. And alſo to perſew at ane certaine day, conforme to the tenour of the letters. And more-over, quhen he accuſes ane vther criminallie, before the juſtice & his deputes, he ſuld ſweare the dittay to be trew, quhairvpon he accuſis the defender: bot the Kingis Advocat accuſand criminallie onie of the Kingis lieges, is na waies obliſhed to ſweare in this caſe.

SAK, *Lib. 1. c. 3.* In ſum auld buikes it is called *placitum & emenda de tranſgreſſione hominum in curia noſtra.* In the Britton lawes of King Edward, it is written, *Sacha, eſt ſi quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negauerit, forisfactura probationis vel negationis (ſi euenerit) ſua erit.* Quhilk may be called the vnlaw or amerciament payed be him quha denies that thing quhilk is proven againſt him to be trew, or affirmis that thing quhairof the contrair is of veritie.

SAISINA, ane French word, ſaiſing or poſſeſſion, *vid. Diſſaſina.*

SCHAFFA *ſagittarum*, ane ſcheife of arrowes, conteining xxiiij. Vtherwaies called *garba*. Ane ſcheife of Irone, conteines ſexteene gades, ane ſcheife or ſteile conteines fourteene gades. *leg. nauium.* or ſchip lawes. *c. 2.*

SCHIREFFE, ane principall ruler or judge of ane certaine part of the Realme. In Latine, *præſes provincia.* *Aluredus* in the confederation maid with *Guntherus* king of Denmarke, divided England in *Satrapias, centurias, & decurias*, and called *Satrapian* ane Schire, that is, ane cutting or ſection, as

written in the auld *Briton* lawes, *verb. centuria*: like as we ſay as zit, ſcheir cornes, or ſcheir-graſſe, or ony paire of ſchieres, quhair with claith is cutted. And ſwa ane ſchyre or Schireffedome, is ane parte of lande, cutted and ſeparate be certaine Meithes and Marches from the reſte, within the quhilk the Schireffe as judge, dois juſtice, and pronuncis decreetes and domes, to all the inhabitants theirof: For ſchyre is ane cutting or ſection, as ſaid is: And dome ſignifies ane ſentence, decreit, or judgement; as demſtar or domeſtar, is he quha pronounces the dome or ſentence in court: And *dies Judicij*, is the day of judgement, or doomiſday. It is alſo called *comitatus, provincia, vel vicecomitatus. lib. 3. c. tali autem. 18. lib. 4. c. ſi quis 28. c. ſi quis in manibus. 42.* Schireffes in this Realme hes their offices given to them be the King in heritage, contrair to the act of Parliament. Iam. 2. p. 11. c. 44. Quhilk is the cauſe of great enormities and wranges, be reaſon the Schireffes being infeft heretablie, thinks themſelues ſure of their office, and regardis nocht the execution theirof. And to the effect that gud men may mak conſcience of their calling (quhairof they ſall make compt and rekoning to God, of all evill committed, and of all gud omitted) And that vthers may be inſtructed of their dewtie, and ather mooved to do the ſamin: or elſe be puniſhed for neglecting theirof: I haue collected and gathered furth of the lawes of this Realme, ane ſchort reherſall and ſumme of all thinges perteining to the office of ane Schireff: And firſt of perſones, ſik as Schireffes, Deputes, Clerks, and Serjandes. Secondly, of Schireffe Courtes. Thirdly, of his office, and juriſdiction, quhilk generallie conſiſtis in obſervation and execution of all the Kingis lawes: And particularlie, in particular actiones and pleyes, perteining to his juriſdiction and court: Quhairof ſum are civill, vthers are criminall. And laſt, of the paines and puniſhment of malitious or negligent Schireffes.

Deputes and Clerkes.

Firſt, Schireffes ſuld be in all and ſindrie partes throw-out the hail realme and ſpeciallie in the North partes and Weſt partes of the ſamin, ſik as the North Iles and South Iles, for the acquieting of the people be juſtice: and in *Roſſe* and *Caithnes*. Iam. 4. p. 6. c. 59. c. 61. And to the effect they may the better exerce their office, and do juſtice to every perſon, as effeiris, they ſuld be gud, ſufficient, and qualified men, as is ſtatute be King David. 2. 6. *Nov.* 1357. In ilk Schireffedome they ſuld doe juſtice to the Kingis Lieges, hauld courts in lauchfull time, and continue the ſamin according to law, ſwa that Actiones and proceſſe, begun and intended before them, ſall na waies be delayed throw their negligence, fraud, or malice *Sta. Rob. 3. ex libro Sconenſi*, and ſuld do juſtice and full law, alſweil to puir as to rich, vnder al paine, and charge that may follow. Ia. 1. p. 1. c. 45. And briefely all ſchireffes and vther ordinar judges, their deputes and clerkes, ſuld knaw and vnderſtande the lawes of this realme, and actes of Parliamente, quhairof the execution is committed to their charge, quhilk they ſuld cauſe be execute without delay. Ia. 6. p. 12. c. 124. and ſuld not only be qualified in judgement and knawledge, to miniſter juſtice, bot alſo ſuld haue ſufficiently of their awin, in landes, gudes and geare, quhairin they may be puniſhed, being found culpable in execution of their office. Ia. 1. p. 1. c. 6.

The

The Schireffe ſuld haue for his fee of the eſcheittes, ten pundes. *Leg. Mal. Mak.c.1.* Quhilk fee ſuld be payed to him of the extractes and eſcheittes, of his awin court, and na vtherwaies: but na fee ſuld be allowed to him, vntill firſt he make compt to the Checker of his intromiſſion. *Aſſ.reg. Da.ex lib. Sconenſi.* And vnder pretence of his fee, he ſuld take nathing, nor vſe ony extorſion vpon them, quha cummis to faires, Parliament, or generall Counſelles. *Iam.3.p.5.c.33.* Nor ſuld take na diſtreſſe of gudes and geare of little price and quantitie, cummand to the faires or mercattes: Alwaies he ſulde haue the beſt oxe or cowe, or vnridden horſe, quhilks are ſtalled or broucht to be ſauld. Ia.2.p.13.c.60. The Schireffis fee.

Al Schireffs ſal haue gud & ſufficient deputes, or baillies, for quhom they ſal anſwer. And gif ony perſon be inteſt with ſik office in auld time, & is vnable, or vn-apt to vſe and exerce the ſamin in his awin proper perſon: he ſal preſent to the King, ane ſufficient depute, to exerce the ſaide office in his place, for quhom he ſalbe anſwerable, as is ſtatute be King. *Da.2.6. Novem. 1357.* quhilk is confirmed be *Iam.1.p.1.c.6.* And generallie it is trewand, that ilk Schireffe & vther ordinar judge, ſalbe halden in ony perſon, or in deputes, as themſelues. *Ia.3.p.5.c.26.* And therefor, gif ſchireffes and judges, for their awin better ſecuritie, ſuld make their deputes, ane or maa, gud and wiſe ſubſtantions men, of beſt fame, knawledge, vnderſtanding, and experience, and leaſt ſuſpect within the ſchiref dome, & ſuld cauſe them be ſworne the time of their admiſſion, that they ſall leillely & truely vſe their office: & gif they continue them fra ane zeir to an vther: they ſal cauſe them be zeirly ſworn, for adminiſtratiõ of juſtice, at the head-court after *Michael mes. Ia.5 p.6.c.73* Schireffe deputes & their qualitie.

Schireffe Clerkes ſuld be honeſt famous men, quha be themſelues and their ſufficient deputes, ſall be alwaies reſident, within the head burgh of the Schire, for regiſtration of letters of horning, and better execution of their office. Ia.6.p.6.c.75. Be the auld law of this Realme, the Schireffe clerk was in-put and out-put be the King: and had na league nor bande with the Schireffe, but was bound and obliſhed to the King allanerly, and was ſuſteined in his hieneſſe houſe, as occaſion and time required, & did al things concerning his office, with the counſel and adviſe of the King. *Aſſ.reg. Da. in lib. Sconenſi.*

The Schireffe-Clerke receivis for his fee of ilk amerciament or vn-law, twa ſhillings. *Leg. Mal. Mak.c.1.* gif he ſal happen to be found culpable in execution of his office, and ſpecially anent the regiſtration of letters of horning: he ſuld be puniſhed of all his gudes moveable, to be applyed to the Kings vſe, and the Schireffe ſall pay for the fault of his Clerke, ane hundreth poundes to the King, and all damnage and intereſſe of the party grieued. Ia.6.p.11.c.71. Schireffes Clerkes.

Schireffes ſuld ſend their deputes and Clerkes, ane or maa zeirlie, at the the firſt day of November, to the Lords of the Seſſion, to be examined and admitted be them, vnder ſik paines, as the Lordes ſall pleaſe to modifie, in-caſe of failzie, to be employed to our Soveraine Lordes vſe. Ia.6.p.11.c.80. Ia.6.p.12.c.124. Deputes and Clerkes.

The Schireffis ſerjand, or officiar, ſuld haue ane horne, and ane reid wand

of three quarters of ane yaird lang at the leaſt, & gif he haue not the ſamin, he ſuld be challenged therefore be the Schireffe in his head courtes. Iam. 1.p.6.c.99. Quhairof the ane and the vther is neceſſar to him in the execution of his office, for with the ſound or blaſt of the horne, hee denunces the diſobedient rebelles: And alſo perſewis malefactoures, quha ar fugitiue fra the Law, and rayſes the inhabitantes of the Cuntrie, to concur and aſſiſt in taking and apprehending of them. And with the wande, he relaxis them quha returnis to the Kingis obedience fra the horne, and receivis them to the Kingis peace, as I haue ſaid alreadie in ane vther place. Likewaies, all Schireffes, Stewardes and Baillies, ſall cauſe the maires, ſeriands & officiars, haue ane ſignet conteinand the firſt letter of their name, quhair-with al letters and precepts extant be them, and indorſations theirof, ſalbe marked & ſtamped. Ia.5.p 6,c,74. The Schireffes ſerjand ſuld haue for his fee of ilk amerciament or vnlaw of court, ane colpindach, or threttie pennies. *Leg. Malc. Mack.c.1.*

Schireff court

Item, it is neceſſar to the ſchireffe & his deputes, to hald Schireffe courtes, ſowtie and ather moeffice, quhilks courts, ilk Schireffe be the auld law of this realme, is obliſhed to hald after the ſpace of ilk fourty daies, *lib 4 c.Statutum.19. Aſſ.reg.Da.c.ad ſummonitiones.19.* And now all Schireffes, ſtewards & Baillies ſuld haue three head courts in the zeir, be themſelues in proper perſon: Except they haue juſt & lauchful excuſes of ſeiknes, or of the kings ſervice. And all barrones & free-halders, quha aw ſuit & preſence in the ſaids courts, ſall compeir perſonally: And the abſents ſuld be amerciat, and all they quha aw bot ſuit allanerly, ſall ſend their ſuitors, honeſt and qualified men, able to decide ony action or cauſe. And al they quha cūms to the court, ſall remaine vntill the ſamin be ended. And ſall paſſe vpon inqueſtes and aſſiſes, and aſſiſt the Schireffe doing their office and ſervice, conforme to their infeftments. Ia.5.p.6 c.71. The Schireffe in his court ſal keipe and obſerue ſik forme and ordour of proceſſe, as is vſed before the Lordes of Councell and Seſſion. And he ſuld ſet his courte peremptourly vppon fifteene dayes, and all precepts direct be him to ſummound and warne the parties, ſuld be execute vpon fifteene dayes. *Iam.1.par.9.cap.110. Iam.5.Par. 6.cap.72.* And gif the in-dwellers within the Schireffedome and royaltie thereof, compeiris not in ſufficient number, or ſends not their Attournayes to paſſe vpon ſerving of inqueſtes or retoures, ſwa that thereby the Schireffe court is weake, and nocht weill ſtuffed. The Schireffe may warne the gentlemen of the regalitie, to compeir and enforce his court, but prejudice of their regalitie. *Iam.1.p.9.cap.130.* Item, all Barronnes, Knights, free-halders, and ſtewardes of Biſhoppes, of Abbottes, and of Earles, ſuld be preſent at the Schireffe court, vnder the paine of the Kings vnlaw. *Lib.4 c.ſtatutum.19. Aſſ.reg.Da.c.ad ſummonitiones 19.* All the ſaidis perſones and vthers, quha cummis to the courte ſuld come in ſober and quiet maner, with als monie perſones, as they daylie ſuſteine in houſe-halde and familie: and beand come to their Ludgeing, they ſulde weare na weapones, but their knife, And gif ony of them dreadis bodilie harme of ane vther: The Schireffe

pute and preſence

ſuld

ſuld grant him law-burrowes. Ia.2.p.14.c.83.and it is leaſum to the Schireff to charge all perſones to cum to his court in ſober maner: And gif they refuſe to skail their gadderings,and convocation,he may ſtay or continue the court: & the perſones diſobedient, ſalbe puniſhed be warding of their perſones be the ſpace of ane zeire: and be payment of the expenſis and damnage ſuſteined be the partie,throw delay of juſtice.Ia.3.p.14.c.104. And albeit all free-halders and vthers perſones ſuld cum to court in quiet maner, as ſaid is. Neverthelefſe,it is leſum to the Schireffe, ſteward, Baillie, and vthers the Kingis officiars, to ride with greater number,for execution of juſtice, and furth-ſetting of the Kings authoritie. Ia.5.p.4.c.27. The vnlaw of the Schireffe in his courte, ſuld not exceede the ſumme of ſexteene ſchillinges, & to his clerk, twa ſchillings, and to the ſerjand ane colpindach, or threttie pennies. *Leg Malc.Mack.c.2.*

The vnlaw of court

The juriſdiction of the Schireſſe conſiſtis and ſtandis generallie in diuers and ſindrie poyntes. Bot firſt of all it is to wit, that the Schireffe his depute and ſerjand,hes na juriſdiction or power out with the boundes of his awin Schireffedome,to ſummond or attach ony perſon,or to poynd or take ane diſtreſſe of ony mans gudes and geare: For they ſuld make faith that they ſall faithfullie ſerve the King, within their awin Schiereffedome, and ſall not trouble or moleſt ony perſon within the ſamin, againſt law and reaſon. *Aſſ.reg.Da.c.nullus 13. Quo. attach.c.nullus 57.* Swa it is manifeſt that the Schieffe hes onely juriſdiction,within his awin Schireffedome: Within the quhilk,he and his deputes ſuld cauſe the Lawes and actes of Parliament to be publiſhed,red, and proclaimed in his courtes, and to be keiped and obſerved be our Soveraine Lordes lieges, alſweill in the courts of all Prelates,Earles,Barrones,and vthers havand power to hald court,as in his awin Schireffe court, and ſuld giue to them the copie of the lawes, that na man pretend juſtlie ignorance thereof. *ſtat.Rob.c.Robertus.28.* And ſik-like in all Burrowes of this Realme, the Schireffe ſall cauſe twelue leill and honeſt men of the burgh,ſweare and make faith,that they ſall cauſe the Kings laws be keiped and obſerved. *Stat.Alex.c.Item in omni.25.* And to the effect the ſamin may be the better done be him, the actes of Parliament being regiſtrat, ſuld be delivered be the Clerke of the Regiſter to him: quhilk he ſall cauſe be proclaimed openlie,in the chiefe place of the Schireffedome, and ſuld giue copies of them to Prelates, Barronnes, and Burrowes within his Schireffedome,baith to lande and to burgh, to keipe and obſerve the ſaides lawes and ſtatutes,vnder the paine of deprivation of his office.Iam.1.p.3.c.67.Ia.2.p.14.c.90. And likewaies, to the effect the Schireffe ſuld ſee juſtice lauchfullie done and miniſtred: he ſuld be preſent in all courtes of Biſhops, Abbots,Earles,Barronnes,and free-halders, to quhome it is not leaſum to hald their courts, except the Schireffe or his deputes be preſente, or ſummoned to that effect. *Lib.4.c. die luna 14.Stat. Alex.aſſiſa.10.aſſ.reg.Dav.c.1.* And ſik-like,na Barron may hald court of battell,water, or iron, except the Schireffe or his deputes be preſent to ſee juſtice done. *Stat.Alex.c. preterea 28.vid.duellum.vid.mahamium.* And mair-over the Schireffe and all judges within the Schireffedome, ſuld repaire and cum to the King,the firſt night

Iuriſdiction.

The Schieffe hes no juriſdiction out-with his awin territorie.

The Schireffe ſuld cauſe the lawes be proclaimed and obſerued.

The Schireffe ſuld be preſent in all courtes.

The Schireffe ſuld repaire to the King.

he cummis within the Schireffdome, to aunſwer to all complaints maid againſt him, anent the nocht-keiping and obſervation of the lawes, and ſall not depart nor paſſe away licence asked and obteined, vnder the paine and vnlaw of aucht Kye. *Aſſ. reg. Da. c. ſtatutum 20. Quo. attach c Statutum 80.* & alſo ſall not paſſe away fra the King, except he haue with him the actes of Parliament, and his inſtructiones given to him in writ. *Aſſ. reg. Da. ex libro Sconenſi.* Laſt, concerning the execution and obſervation of the Lawes, the Schireffe, nor na vther officiar of the law, ſall onie waies obey or execute onie command direct to them be the King, vnder the greate ſeale, priviе ſeale, or ſignet, repugnant or contrarious to law or reaſon. Bot gif onie ſik precept be preſented to them, they ſall receiue the ſamin reverentlie, write vpon the back thereof, and remit the ſamin againe. Rob. 2. 1372. And of his reigne, the firſt zeire.

He ſuld not execute or obey vnlauchful cūmands.

The Schireffe ſuld not only make the publication of the lawes, and cauſe the ſamin to be keeped and obſerved: Bot alſo ſuld concur and aſſiſt with vthers to do the ſamin, ſik as the juſtice generall, chalmerlane, and auditors of our Soveraine Lords Checker.

The Schireffis office in the juſtice aire.

The Schireffe at command of the juſtice general, ſuld ſummond certaine perſons to burgh & to land, to giue vp dittay to the juſtice Clerkes, & ſuld be preſent in proper perſone at the juſtice aire, with the verification of the ſaidis ſummoundes: As ſuld ſuſteine and paye the expenſes of the juſtice clerkes, in the time of the taking vp of the dittay. Quhilk ſuld be allowed to him in his comptes, he ſuld (conforme to the juſtice precept direct to him) ſummond all Biſhops, Abbotes, Earles, Barrones, Free-halders & all vthers quha aucht preſence in the juſtice aire, and are immediat vaſſals to the king, to compeir in the juſtice court, to fortifie and aſſiſt the juſtice. Likewaies he ſuld ſummond all perſons indyted of new and of auld, al pledges obliſhed for the entrie of onie man in the aire, all perſones quha will perſew or defende in the ſaid court, to compeir, do, and fulfill that quhilk accordis of the Law. He ſuld be preſent in the court, with ſufficient teſtimonie of the execution of the ſaid ſummondes: And ſuld make proviſion for the juſtice and his Clerkes, quhilk ſuld be allowed to him in his firſt compt in the Checker. He ſuld take vp ſik ſummes of money, and gif neede beis poynd therefore, as the juſtice modifies to be payed be them, quha ar amerciat, or cums in will. *vid. Iter.*

Mair-over, gif there be onie perſones, quhom the Crowner may nocht, nor dare nocht arreiſt: He ſall deliver their names to the Schireffe, quha ſall be becum borgh and cautioner to enter and preſente them in the juſtice aire. Or ſall paſſe, or ſend ſufficient number of men, to fortifie the crowner, maiking the arreiſtment, and bring the perſon arreiſted to the Schireffe to be keeped be him. Quhilk gif the Schireff failzies to do, he ſal pay ten pund to the King. Ia. 3. par. 14. c. 99. Becauſe the Schireffe ſuld keip the perſones arreiſted be the Crowner, and enter them to the juſtice aire, gif there be na Caſtell perteining to the King within the Schireffedome, quhairin they may be keeped. Ia. 5. p. 3. c. 5.

Mairover, the Schireffe or his deputes ſuld paſſe or ſend with the crowner

and

and viſie the gudes perteining to all perſones convict in the juſtice aire, and deliver to the Crowner ſa meikle thereof, as he ſuld haue be the law, and in-bring the remanent to the Theſaurar. Ia. 3. p. 14. c. 102. And the laſt daye of the aire, the Schireffe ſuld thoill ane aſſiſe anent the vſing and execution of his juſtice. Iam. 3. p. 14. c. 102, Finallie, the Schireffe or his deputes be their Clerke, ſuld in-bring to the Theſaurar, all extractes of the juſtice aire, and ſummes of money conteined there-intill: quhilk gif he failzies to doe, na allowance ſalbe granted to him in the Checker of his comptes, albeit hee haue the Kingis letter in the contrair, granted to him in his favours. *Aſſ. reg. Da. ex libro Sconenſi.*

Quhen the chalmerlaine is to hald his aire within ony burgh, the Schireffe be vertue of the Chalmerlaines precept direct to him, ſuld attach and arreiſt without delaie, vnder ſure pledges and cautioners, all them quhais names the proveſt and baillies of the Burgh ſall giue to him in writ; to compeire before the chalmerlaine, or his deputes, day, place, & time of the aire, to aunſwer to ſik thinges as ſall be layd to their charge. At the quhilk court, and aire, the Schireffe and his deputes ſuld be preſent, bringand with them the ſaide precept and verification, or teſtimonie of the execution thereof. *Iter. camer. c. 2.* Chalmerlaine aire.

All Schireffes ſuld be examined zeirlie in ilk Checker, how they haue keiped the acts of Parliament, and how they haue puniſhed the tranſgreſſors thereof. For in the checker, the Schireffe, or ane ſufficient depute for him, havand ſufficient power, ſuld compeir and ſweare there anent, in *animam eius*. Vnder the paine of ten pund, and tinſall of his office at the Kingis will. *Aſſ. reg. Da. ex libro Sconenſi.* In the quhilk Checker, the Schireffe ſuld make compt and full payment, *aque* with the Rolles, ſa far as he hes intrometted, or micht intromet with the Kingis propertie or caſualities, ſik as eſcheits and wardes, vnder the paine of wairding of his perſon. Ia. 5. p. 7. c. 96. Ia. 6. p. 11. c. 74. And ſuld bring with him his court buikes, with the compt of eſcheites and vnlawes, intrometted with be him, togidder with the regiſters of hornings regiſtrate be him in his buikes, and of all ſaiſings. Ia. 6. p. 12. cap. 124. And ſuld finde cautioners, burges men within *Edinburgh*, acted in the buikes of Councell, that he ſall zeirly make compt in the Checker, and paymen of all things intrometted with be him. Ia. 6. p. 11. c. 80. Ia. 6. p. 14. c. 230. And gif he be found reſtand at the fute of his compt onie ſummes of ſilver, to the King, or his Theſaurar: It is leaſum to the Theſaurar, as he pleaſis, to poynd the Schireffe and his deputes, or the partie to quhom ſaiſing is given, for the ſaides ſummes, conforme to the buike of *reſponde*. Iam 6. par. 11. c. 71. Checker.

The juriſdiction and office of the Schireffe, conſiſtis alſwa in particular civil actiones and pleyes, and deciſion thereof in his Courte, and likewaies in execution of decreets given be civill judges, ſik as the Lordes of Councel, and ſeſſion. The Schireffe and his deputes is judge competent to thir pleyes and actions after following, That is, the pley or mute of barrones betuixt barron and barron. The mute of ane reaſonable Terce perteining to weemen, as lauchful Wiues, be reaſon of the deceaſe of their husbandes,

complaintes tuiching the breaking of appoyntments, aggreeances, and ead of pleyes made in court, and not keiped. *Lib.1.c.4.c. contingit.31.lib.2.c.nos 19.* Mutes and pleyes of natiues, that is, of bondes and ſervandes fugitiue fra their awin maſters, making of Homage, Receaving of relieves: alſwa actiones and pleyes of debt auchtand be ane to ane vther, may be followed before the Schireffe, with vther actiones of wrang and vnlaw. *Lib.1.c.4.lib. 2.c.conſequenter.13.* The brieue of richt and free tennentes ſuld be determined before the Schireffe, in the ſeconde inſtance, quhair as complaint is maid, that the court of Barronnes hes done wrang there-anent, be reaſon wranges done in Barrone court, war remeded in the Schireffe court, be the Schireffe-court, be the auld law of this Realme. *Lib.1.c.placita.6.lib.3.c.ſolent 17.c.ad vicecomites.19.* Bot be the law and practick now vſed and obſerved, the Lordes of Councell and ſeſſion ar onely judges competent, baith in the firſt inſtance and ſecond, to all actiones and matters tuiching fee and heritage. Sic-like, all pleyes tuiching Meithes and Marches of landes, betuixt nighbour and neighbour, ſuld be decided and declared be ane aſſiſe before the Schireffe. *Lib.2.c.vlt.* Conforme to the quhilk all actiones of moleſtation, in troublance of the poſſeſſion of propertie, and commontie ſuld be decided be the Schireffe of the Schire, or vther ordinar judge, quhair the landes lyes, be the determination of ane aſſiſe, of the beſt and worthieſt of the cuntrie, leaſt ſuſpect, and that beſt knawis the veritie. Ia.6.p.11.c.42. The Schireffe is judge competent to the remoouing of tennentes fra lands, conforme to the warning maid againſt them to that effect. Mar. p.6.c.39. The Schireffe is judge to the brieve of inqueſt, quhair be ane deſiris to be ſerved and retoured narreſt and lauchfull aire to his predeceſſour *lib.1.c. Generalia. 25. Quo.attach.c. De brevibus 31. Ia.1.p.9.c.127.* Quhilk brieue ſuld be ſerved in plaine court, be the maiſt worthie of the Schireffedome, ſummond and called vpon the promotion of fifteene daies. *Stat.Rob.3.c.1. Vid. breue de morte anteceſſoris.* And na commiſſion for ſerving of the ſaide brieue, or vthers ſuld be graunted to ony perſon, in prejudice of the Schireffe, Stewarde, or Baillie, vntill he be firſt warned to heare and ſee the ſamin given, or elſe to alleadge ane reaſonable cauſe, quhy the ſamin ſuld not be granted. Ia.5 p.6. c.82. And incaſe any ſik brieue ſall happen to be ſerved and retoured before ony judge, commiſſioner, the precept of ſaiſing ſuld be direct forth of the Chancellarie to the Schireffe, as is before ſaid, *verbo; breue de morte anteceſſoris.* For generallie all precepts of ſaiſing furth of the Chancellarie vpon retoures ſuld be direct to the Schireffe, and vther judges ordinar, with the clauſe, *Capiendo ſecuritatem.* Ia.6.p.12,c,124. And all ſaiſings paſſing vpon ſik precepts ſuld be given be them, their deputes and Clerkes. Mar.par.6,c.34. Quhairof they ſuld write the day and zeir of the giving of ilk ſaiſing, and bring the ſamin, togidder with all vther ſaiſinges, given be private Notars zeirly to the Checker. Ia.4 p.6.c,89. Ma,p,6,c,47. Ia.6,p.11.c.65.

Moleſtationes and cognitiõs

Remooving.

Brieue of inqueſt.

Commiſſion

Sik like, actiones of ejection and ſpuilzie, perteinis to the Schireffe, & his juriſdiction. And therefore, gif ony man is wrangeouſlie ejected furth of his land, or violently ſpuilzied of his guds and geare: The Schireffe ſuld take cognition there-anent. And the ejection of ſpuilzie be and proven, ſal cauſe

him

him quha is ejected or ſpuilzied, to be reſtored to his awin lands, guds, and geare, with the profites thereof, and damnage & skaith ſuſteined be the partie. *Aſſ reg. Da. c. ſtat. 31.* Speciallie gif the perſons quha ar ejected & ſpuilzied be religious men, Clerkes, Widdowes, aged perſons, or ſik vthers, quha be the Law, ar excuſed fra ſingular battell. *Aſſ. reg. Da. c. ſtat. Alex. c. 5. ſtat. Ro. Br. 3. c. 6.*

And in ejections, quhen ony man is ejected furth of his lands, fee, or heritage: The Schireffe at command of the Lordes of Seſſion, ſal furth with gar reſtore the grounde, without prejudice of ony partie, and recognoſce the landes in the kingis handes, vntil they be lowſed be the King. And in the meane time, inquiſition is taken be the Schireffe, quha was lauchful poſſeſſour of the landes: And the ſamin beand retoured to the King, the landes ar letten to borgh to the ſaid perſon. Ia. 2. p. 14. c. 64. And generally, the Schireffe ſuld arreiſt, and put in the Kings ward, all maiſterful & wrangeous occupiers of vther mens lands, & ſall cauſe the grounde to be maid voyde of them and their guds. Ia. 2. p. 14. c. 78. Eiections

Concerning ſpuilzie, the Schireffe ſuld compel ſpuilziers & their receipters (the ſpuilzie being proven) to reſtore their guds ſpuilzied, & charge thē to anſwer therefore, as law will. And in-caſe they diſobey, he ſuld denunce them rebelles, and put them to the Kings horne. Quhairin, gif he be negligent or partiall, he ſalbe puniſhed as the principall ſpuilzier. Ia. 2 p. 5. c. 10. The like reſtitution ſuld be maid be the Lords of regalities, quhilk gif they do not, the Schireffe ſuld cauſe the ſamin be done within the regalitie. Ia. 2. p. 5. c. 11. Laſt of all, actions of recent ſpuilzie may be perſewed before the Lordes, or the Schireffe, within fifteene dayes nixt after the committing of the ſpuilzie. Ia. 4. p. 6. c. 65 Spuilzie

Execution not onely of decreetes of ejection and ſpuilzie, as ſaide is, bot alſo of all vther decreetes perteinis to the Schireffe, be reaſon of his office & juriſdiction. For ane decreete beand given againſt ony man, letters ar direct to the Schireff of the Schire, ſteward, or baillies to burgh or to land chargeing them to put the ſaid decreete to execution: quhilk ſuld be done be ilke ane of them, within their awin juriſdiction, and ſuld receiue for their office & fee xij, d. For ilk li. recovered or conteined in the decreete, to be taken of him, againſt quhom the decreit is given. And gif the Schireffe or vther officiar failzies to do the ſame, he ſall tine his office for three zeires, gif it be heretable: & perpetually, gif he hes it in life-rent, or for ane certaine time, and ſal pay the principall ſumme recovered to the partie, with the coaſts & expenſes ſuſteined be him. Iam. 4. p. 3. c. 30. Ia. 4. p. 6. c. 67. Likewaies, all ſentences and decreetes given be the Lordes of the ſeſſion, ſuld be execute be the Schireffe of the Schire, or his deputes, quhair the party dwellis, againſt quhom the decreet is given: Or elſe be Heraulds, Purſevants, or Maiſers: & for execution theirof, nane ſall take mair nor is preſcrived be the act of Parliament foreſaide, except be liberalitie of the partie, vnder the paine of deprivation of their office. Ia. 5, p. 5, c. 58. Execution of decreetes

For the better and mair reddie execution of decreetes: It is leaſum to the Schireffe to poynde the guds and geare perteining to the debtor, be the Poynding.

brieue

brieue of diſtreſſe: quhilk brieue perteinis to the Schireffis juriſdiction. *lib. 1. c. Placitum 7.* Quha ſuld cauſe execute the forme of poynding, & taking of diſtres. *Quo. att. c. de brevibus. 31.* Bot the Schireffe or vther judge may not poynd ony man, or take ane diſtres, bot within his awin juriſdiction allanerly; And gif he dois in the contrair, it is plaine rieſe or ſpuilzie. *ſtat. Rob. 3. 6. Item ſtat. 13.* And it is not leaſum to the Schireffe, or ony vther judge, within his awin juriſdiction, to poynd oxen, horſe, or vther guds perteining to the pleuch, or that labouris the grounde, the time of the labouring thereof, gif there be vther ſtreinzieable gudes, quhilk may be poynded. And gif ony man will take ane poynd within the Schireffedome, he ſall cum to the Schireffe or his deputes, and deſire him to concur and aſſiſt with him thereintil. And thereafter the Schireffe or his deputes, ſall paſſe with him to the houſe of the debtour, fra quhom the poynd ſuld be taken. And gif the debtor confeſſis the debt, and prievis payment thereof to be maid be him, or be vthers in his name; na poynd ſuld be taken. And gif ony is taken, the ſamin ſuld be delivered againe; vtherwaies, gif he grantis the debt, & proovis it not payed, the Schireffe ſuld tak the poynd, & cauſe the creditor be payed. And gif the debtour denyis the debt, the poynd ſall not be taken fra him, except it be manifeſt, that the debt is auchtand to the creditour; becauſe na diſtreſſe or poynd ſuld be taken bot for debt confeſſed or proven. *Lib. 4 c. Si quis namer. 30.* And gif the debtor hes na moveable gudes, or hes not ſameikle within the Schire, as is equivalent to the debt recovered againſt him. And gif it happenis that hee haue ſome moveable gudes within ane vther Schireffedome: The Schireffe of the vther Schire, within the quhilk the ſaids moveable gudes lyis, ſall cauſe the ſame to be poynded and compriſed, & the creditor to be payed. And failzieing of moveabe gudes, the Schireff ſall cauſe the landes & immoveable gudes perteining to the debtor, to be conforme to the act of parliament, and cauſe the ſam in to be ſauld and annalied, to the avale of the debt, and the creditour. Ia. 2. p. 5. c. 36.

Criminal cauſes perteining to the ſchireffe

Diverſe and ſindrie criminall Actiones, perteinis and belangis to the Schireffe, & his juriſdiction, quhairof ſome ar capitall, vthers ar pecunial, as after followis. And firſt, generally the Schireffe may follow and perſew all treſpaſſours in the Kings name, & cauſe his maires and ſerjandes arreiſt thē, albeit na partie perſewer compeir or aſſiſt. Ia. 1. p. 13. c. 139. Like as the Theſaurar & Advocat may perſew ſlauchter, & vthers crimes, albeit the parties keip ſilence, or vtherwaies privately agree. Ia. 6. p. 11. c. 76. And ſwa when ony complaint is maid be ony perſon to the juſtice Generall, or to the Schireff, or to ony vther officiar of law within burgh, or without the ſamin. The Schireffe, or vther judge, ſal ſummond baith the parties: And gif the deede be done be Chaud melle, the partie ſall perſew, as effeiris of the law. Bot gif it be done be fore-thocht-fellonie, the committer thereof, ſal be accuſed of the breaking of the Kingis peace: He ſall ſatisfie the partie, and be impriſoned in the Kings priſon: becauſe his life and guds ar in the Kings will. Ia. 1. p. 3. c. 51. And gif ony treſpaſſor be fugitiue for ony crime, the ſchireffe ſuld perſew & follow him: And ilk Gentle-man, not followand the ſch owte, or out-horne, ſal pay xl. s. And ilk zeaman xx. s. to the king. Ia. 1. p. 6. c. 98.

The

The Schireffe, Crowner, or Proveſt within Burgh, ſuld cauſe bury him quha is murthered. *Leg. Mal. Mak. c. 1.* Murther

The Schireffe ſuld puniſh Witches, Sorcerers, Necromancers, & them quha ſeekis helpe, reſponſe, or conſultation of them vnto the death, allweil the abuſer, as ths ſeeker of the reſponſe, or conſultation. Mar. p. 8. c. 78. Witchcraft.

The Schireffe and vther ordinar judges, ſuld ſearch, take, and apprehend, al them quha not being lauchfullie admitted, dois miniſter the Sacraments, ſayis Meſſe, or hearis the ſamin, to be brocht to the King, to be puniſhed conforme to the Law. Ia 6. p. 1. c. 5. Meſſe

The Schireffe ſuld tak ſtrait inquiſition, of them quha ſtrikis falſe or forbidden cuinzie, and ſuld cauſe them to be brocht to the King, to be puniſhed to the death. Ia. 3. p. 3. c. 18. Falſe cuinzis.

The Schireffe beand certified of ſlauchter, committed within his Schireffedome and royaltie thereof, he ſall incontinent rayſe & follow the ſlayer, with ſound of horne, and convocation of the Kingis lieges. And gif he beis apprehended with reid hand, juſtice ſal be done within that Sun. And gif he be taken & apprehended without reid hand, he ſalbe put in priſon, & law ſalbe done vpō him, within fourty daies: and gif he eſcapis or flyis furth of the Schireffedome, the Schireffe ſall certifie the nixte Schireffe thereof; quha ſall perſew and follow the ſlayer, in maner foreſaid. And conſequently, ilk Schireffe ſall certifie vther, vntill the treſpaſſour be put foorth of the realme, or elſe brocht to juſtice: The like certification ſuld be maid be the Schireffe, to the Lorde of regalitie, quha ſuld perſew the malefactoures, as the Schireffe ſuld do. Ia. 1. p 6. c. 19. Ia. 3. p. 5. c. 35, Ia. 4, p. 3, c. 28, Quhen the committer of ſlauchter cummis to the Girth: The Schireffe ſuld advertiſe the Maiſter of the Girth, and cauſe the ſlayer be put to the knawledge of ane Aſſiſe, quhidder the ſlauchter committed be him, was done vpon ſuddaintie, or be fore-thocht-fellonie. And gif it be found ſuddaintie, he ſall be reſtored to the libertie of the Girth and Sanctuarie. And gif it be founde fore-thoucht fellonie, he ſalbe puniſhed to the death. Ia. 3, p. 5, c. 33, Ia. 5, p. 4. c. 22. Slauchter

The Schireffe ſuld not only puniſh committers of ſlauchter, as ſaid is; bot alſo ſuld after his power, ſtay and ſtop the committing thereof: And therefore, quhen ony man hes doubt of his life, either be ony deed, menacing, or violent preſumption, and verifies the ſamin be his aith, or vther probation. And for that cauſe askis law-ſovertie to be given to him be the Schireffe, that he ſalbe harmeles and skaithles of him of quhom he dreadis the bodily harme. The Schireffe ſuld grant his petition, and gif he refuſis the ſame, he ſall pay fourty pund to the King, & aſſyith the partie. Ia. 1. p. 9 c. 129. Ia. 2. p. 6. c. 13. Ia. 1. p. 14. c. 83. And gif the law-borrowes happenis to be broken, the paine thereof ſuld be payed to the Schireffe, for the quhilk hee ſall be comptable in the Checker. Ia. 3. p. 1. c. 5. Law burrowes.

It is leaſum to the Schireffe aud his deputes, to perſew ony perſon for thieſt; albeit na partie concur and informe him there-anent. *Quon. attach. 5. vbi aliquis 25.* As likewaies he is judg competent to thieft & ſlauchter, quhen ony perſon compeiris and inſiſtis with him in the perſute. Bot gif the ſaidis

crimes

crimes be followed be way of dittay: the juſtice general is judge thereto. *li. 1.c.2.* And quhen ony thiefe is condemned before the Schireffe, & executt for thieft: all the moveable guds, quhilk perteine to him, ſuld juſtly perteine to the Schireffe. *lib.2.c. Forisfactũ 55. de Iudic.c. Præterea. 148.* Bot gif ony man findis in ony town, his awin ſilver ſtollen fra him: It is not leaſum to him to intromet-there-with: bot he ſulde put and leaue the ſamin in the keiping and cuſtodie of honeſt men of the towne, and ſall declare the ſamin to the ſchireff, quha ſal compel the Proveſt or ruler of the town, & three men with him, to mak faith that he knaw is na thing of that thieft: And thereafter the compleiner proovand the ſilver to be his awin, ſuld receine the ſamin to be vſed be him, as his awin proper geare. *Lib.4 c.Si quis 21.ſtat. Alex.c.aſſiſa.20.* Al thieues ſuld be puniſhed to the death: And it is not leaſum to the Schireffe, to ſell ony thiefe, or to fine with him for thieft-done, or to be done, vnder the paine of life and gudes. Ia. *1.p.13.c.135.*

All Sorners taken and apprehended, ſuld be delivered to the Schireffe, that juſtice might be done vpon them, as thieues and rievers. Ia.2.p.11.c.45. Ia.3.p.10.c.77. The Schireffe ſuld arreiſt and challenge all ſorners, quha lyis and ſojournis vpon the Kings lieges, and compel them to aſſyith the King, and the partie compleinand. And gif na partie compleinis, he ſal inquire at the head court, anent ſik treſpaſſoures: And as hee ony findis, ſuld puniſh them. *Ia.1.p.1.c.7.* And mairover, the Schireffe and all vther officiars, alſweil to Burgh as to land, ſal puniſh ſorners, over-lyars, maiſterful beggars, ſuilles, bairdes, vagaboundes, put them in ward, & baniſh them the cuntry. *Ia.2.p.6. c.22.* And all oppreſſours, ſtrang vagaboundes, beggars wandring athort the realme, vpon pretence that they ar Schipbroken, or baniſhed for ſlauchor vtherodious crimes: And diſſimulat thieues, and abuſers, called Ægyptians. *Ia.6.p.12.c.124.*

Sick-like, the Schireffe ſuld arreiſt all idle-men, & put them in ſure firmance, vntill it be knawin, quhairon they liue, & take caution of them, that the inhabitantes of the cuntrie, ſalbe harmeleſſe & skaithleſſe of them: And that they ſall get maiſters, or paſſe to crafts within fourty daies; quhairin gif they failzie, the Schireffe ſuld inpriſon them, vntill they be puniſhed at the Kingis wil. *Ia 1.p.3.c.66.* Mair-over, the Schireffe ſuld compell idle men, to paſſe and labour for wages within Schippes, maid and prepared for fiſhing, of great and ſmall fiſh, vnder the paine of baniſhment furth of the Schiref-dome: quhairin, gif the Schireffe failzies, he ſall pay xx. pund to the King, in the Checker zeirly. Ia.4.p.4.c.49.

All they quha ar ſuffred to beg alandwart, ſuld haue ane certaine takin given to them be the ſchireffe. Ia.1.p.1.c.25. Vnder the pain of burning on the cheek, & baniſhment off the cuntry of the beggars: & of ane vnlaw of L.s. to the King, to be payed be the Schireffe, in-caſe he failzie in keiping of the premiſſes Ia.1.p.2.c.42. And mairover, the Schireff, Proveſt, & Baillies within Burrowes of royaltie & regalitie, ſal pay ane Mark for ilk beggar that beis found beggand, except he be cruiked, ſeek, or weake. *Ia.4.p.6.c.70.*

And mair-over, the Schireffe ſuld ſuffer na beggar to beg within ony Parochin, bot onely them quha ar borne within the ſamin. For ilk beggar ſuld be

be ſuſteined within his awin Parochin, and ſuld haue the marke thereof. Ia. 5.p.4.c.21. And for puniſhment of ſtrange idle beggars; all Schireffes and vther judges ſuld make priſones, ſtockes, and irones within Burgh, throwfaire townes, and at al Paroch Kirkes. Ia.6.p.12.c.147. And ſuld puniſh beggars, conforme to the act maid be Iam.6.p.6.c.74.

To the juriſdiction of the Schireffe, perteinis to cognoſce and decide anent ſtrife, ſpuilzies, ſtrakes, woundes, and breaking of the Kings peace. *Lib.* 1.*c.*2. And the Schireffe ſuld tak inquiſition anent the breaking of the kingis protection, and compell the breakers thereof to pay ten punds to the King, and aſſith the partie. Ia.1.p.11.c.134. *Tuilzies and breakers of the Kingis peace.*

The Schireffe ſuld deſtroy veſchelles, creilles, and vther ingines, quhilk ſtoppes Smoltes to paſſe to the Sea. Iam.2.p.14.c.87. Ia.3.p.5.c 37. He ſuld cauſe the meaſures & quantity of the cruves & zaires to be keiped in waters quhair the ſea flowis and ebbis: To the effect the frie of the fiſh, may aſcend and deſcend: and ſuld likewaies giue vp dittay to the juſtice, in his aire, vpon ſlayers of Salmond in forbidden time. *ſtat. Alex.c hæc eſt aſſiſa 27. Leg.burg. c.hæc eſt aſſiſa 113 ſtat.* R*ob.2.Br.c.Item ordinatum* 12. The Schireffe ſuld deſtroy, caſt downe, and hald downe, all cruves within his boundes, vnder the paine of xx.pund to be payed to the King. Ia.4 p.2,c,15. Mar.p,8,c.68. For the quhilk cauſe, ſpeciall commiſſion is granted to him. Ia.6.p.6.c.85. Ia.6.p. 7.c.111. He ſuld execute the acts maid anent herring and quhite-fiſh, & vptake the eſcheit of contraveeners thereof, and make compt in the Checker. Ia.6,p,6,c,89. *Cruves and fiſhing.*

The Schireffes ſuld hunt and ſlay the Woolfe, and her Quhelpes, three times in the zeir; and all in-dwellers of the Schire, ſuld ryſe with him, vnder the paine of ane Wedder. Ia.2.p.14.c.88. *Hunting of the Woolfe.*

The Schireffe ſuld cauſe bow-markes to be maid for Archerie, in ilk paroch, vnder the paine of fourtie ſhillinges, to be vp-taken be him to the Kingis vſe. Ia.4.p,3,c,32. *Archerie.*

The Schireffe ſuld puniſh all them quha ſchuttis at Deare, Rae, or vther wild beaſts, or wilde-fowles, with Culveringes, Piſtolettes, or Gunnes. Ma. p.4,c,9, Not onely the Schireffe, bot all judges Ordinar, ſuld accuſe at particular diettes, all them quha ſchuttis with Culvering, Croce-bow, at Da, Rae, Hart, Hinde, Cunning, Dowe, Herron, or fowle of riefe. Ia.6,p,1,c,16. p,7,c,123. *Schutting with fire warks.*

The Schireffe, and all vther officiares, baith to burgh and to lande, at ilke Court, ſall inquire quhat perſones byis victuall, and haldis it to ane dearth: And declare their names to the king, that they may be puniſhed as ockerers, and the victual eſcheit. Ia.1,p,6,c,23. *For eſtailers.*

Mairover, the ſchireffe ſuld eſcheit all gudes quhilkis ar foreſtalled, coft, or arled be foreſtallers, and in-bring the twa part thereof to the Kingis vſe; and the thrid part to himſelfe, Ia,5,p,4,c,20.

And ſik-like, the ſchireffe ſuld puniſh, be confiſcation of all their moveable gudes, all them quha tranſports Nolt, Scheip, or vther cattell furth of realme. Ia.6.p.7.c,124. Ia.6.p.12.c.140.

The ſchireffe ſuld puniſh deſtroyers of planting of Woodddes, Forreſts,

orchardes,broome,breakers of Dow-cattes, cunningaires,parkes, ſtankes, zairdes;ſlayers of haires, makers of Mure-burne in forbidden time, and vther deſtroyers of haining and policie. Ia.6.p.6.c,84. And like waies,ſuld inbring to the Kings vſe,the paines of them quha plants not wooddes, makis not hedges and haining. Ia.5.p,4.c,9.

Fute ball. The vnlaw of fourty ſhilling, ſuld be taken vp be the Schireffe,fra players at the fute-ball. In-caſe the Lord of the land permit to do the ſamin. Ia.1.p.1.c.17.

Caution found be the wardatar and vthers. Quhen ony landes fallis, be reaſon of warde in the Kings hands,or of ony vther ſuperiour: Or quhen to Burgh or to land,lands ar given in conjunct-fee, or life-rent: The Schireffe, or the Baillies,ſal cauſe the wardatar, finde caution not to deſtroy the bigginges, or vther policie: And that hee ſall leaue the ſamin, als gud as he fande them: And that hee ſall ſuſteine the aire,not havand ſufficient blench or few-ferme landes. Ia.4.p.3.c.25. And gif the Schireffe, or vther judge be negligent, in requiring caution, being required thereto, be the heretour or his friends: He ſall refound and pay to the heretour of the lands,at his perfite age,all damnage and skaith ſuſteined throw his negligence. Ia.5.p.4 c.14.

Claithing The Schireffe ſuld take inquiſition of them quha wearis Claith of gold, ſilver,velvet,or ſilkes,contrair the actes of parliament, and ſend them to the King to be puniſhed. Ia.3.p.6 c.45. Ia.6.p.7.c.113.

Banquettes Al they quha vſis exceſſe or ſuperfluitie in banquettes,contrair the tenor of the act of Parliament, ſuld be puniſhed be the Schireffe and vther judges, within the Royaltie and regalitie. Ia.6.p.7.c.118. And ſik like, the Schireffe ſuld ſend to the Theſaurar,the names of all perſones quha breakis and contraveenis the acte of Parliament maid anent the ordering of ilk mannis houſe and quantitie of meat and diſhes, preſcrived to ilk man of all eſtaites, that they may be accuſed and puniſhed theretore. Mar.par.5.cap.26. The Proveſt and Baillies within burgh, ſuld cauſe Hoſtellares take reaſonable price for ane mannis dinner and ſupper, effeirand to the prices of victualles. And ſuld alſo ſet downe reaſonable prices vppon ilk mannis warke, and ſuld deliver the ſamin to the Schireffe, that hee may cauſe the ſamin price be keiped to Landwart. Mar.par.5.c.22. Mair-over, the Schireffe ſuld puniſh the Barronne, quha examinis,nor prices nocht the wark man-ſhip of ilk craft within his Barronnie,with the paine and vn-law of ten poundes. Ia.1.p.7.c.102.

Craftſ-men. Taxation

The Schireffe ſuld ſende or bring all Notars, quha are Temporall men, within the boundes of his office, and preſent them to the Lordes of Councell,to be examined be them, quhidder or nocht they be worthy or qualified for the office of the Notarie. Mar.p.5.c.24. And the Schireffe, with ſik perſones as the King pleaſis to joyne to him,ſuld call all Notars before him and examine them. Ia.4.p.6.c.75.

The Schireffe ſuld take and inbring all taxationes, and make compt and payment thereof. Ia.4.p.2.c.9.

The Schireffe,with the Barronne or Lord of the lande,ſuld ſee and provide that ilk man be armed according to his eſtaite and rente: And ſall cauſe

cauſe weapon-ſchawinges to be maid zeirly, after the Octaves of Paſche. *ſtat. Rob. 2. Br. c. Ordinatum. 27.* Or at the leaſt four times in the zeir. Iam. 1. p. 2. c. 44. Ia. 4. p. 3. c. 31. Or upon Thurſday in the Whitſunday ouik. Ia. 4. p. 6. c. 75. Or twiſe in the zeir throw all the Realme, in the Moneths of Iunij & October, or ony vther day, as ſall pleaſe the Schireffe, ſteward, or Baillie. Ia. 5. p. 6. c. 85.

The Schireffe ſuld execute the acte of Parliament, anent the keiping or threſhing out of victuals, & cauſe the ſamin to be keiped & obeyed, vnder the paine of tinſel of his office, induring the Kings wil. Ia. 2. p. 9. ca. 37. *Victuall*

The Schireffe and Chalmerlaine, ſall cauſe all mettes and meaſures to be keiped, vſed, and obſerved, conforme to the tenor of the acts of Parliament, as they will anſwer to our Soveraine Lord. Ia. 3. p. 4. c. 22. *Mettes and meaſures*

The Schireffe and his deputes ſuld eſcheit and intromet with all horſe perteining to Earles, Lordes, Barronnes, and vthers, halden at hard meate, langer nor the time preſcrived in the acte of Parliament. Of the quhilk eſcheit, the ane halfe perteinis to the king, and the vther halfe to the Schireffe Ia. 6. p. 11. c. 56. *Horſe.*

The Schireffe at command and direction of the Theſaurar, ſuld tak vp, and intromet with the eſcheit guds and geare perteining to rebelles. Ia. 6. p. 6. c. 75. *Eſcheittes*

Divers and ſindrie perſons ar diſobedient to the Kings lawes, baith civil & criminall, & alſo refuſis to obey & fulfill lauchful decreits given and pronunced againſt them, be judges Eccleſiaſtical, civill, and criminall: For the quhilk cauſe, ſome ar excommunicat & curſed, vthers ar denunced rebelles and put to the horne: And therefore the Schireffe (to quhom perteinis the execution of the Kingis Lawes and decreetes) ſuld take and apprehend all curſed and excommunicate perſons, at the deſire of the Biſhop, or his Official, and put them in priſon, vntil they ſatisfie God and the Kirk. *ſtat. 2. Rob. Br. c. Rex tali 31.* Speciallie them quha hes remained vnder the cenſure of Excommunication, be the ſpace of fourty daies. *Quon. att. c. Rex tali 76 ſtat. Rob. 3. c. Item 7.* To the quhilk effect, letters of caption being direct to the Schireffe, he ſuld execute the ſamin againſt all curſed perſons. And gif they be fugitiue, their guds and lands, gif they ony haue, ſall be compriſed, for ſatisfaction of the party. And gif they haue nane, they ſalbe denunced rebels. Ia. 2. p. 5. c. 12. *Excommuni-cat perſones.*

All Schireffes, Stewards, Baillies, and vther officiares; baith to burgh and to Lande, ſuld ſearch, ſeeke, and apprehend all rebelles beand at the horne, and bring them to our Soveraine Lordis juſtice, to be juſtified, conforme to their demerites; vnder the paine of tinſell of their office for three zeires, gif it be heretable; And in al time cumming, gif it be Temporall. And mair-over, to be accuſed for their negligence in the juſtice aires, or at particular dietes, as it ſall pleaſe the King. Ia. 5. p. 7. c. 94. Mair-over, the Schireffe, and all the ſaidis judges, alſweill within regalitie, as royaltie, ſuld ſearch, ſeeke, follow, perſew, apprehend, and commit to warde, and preſent to juſtice, all declared traitors and rebelles, contemnandly remainand at the horne vnrelaxed; and doe juſtice vpon them, gif they haue commiſſion to that effecte. *Rebelles.*

And gif the ſaid rebelles be fugitiue, the Schireffe & vther judges foreſaids ſuld make denuntiation thereof to the Schireffe, and judges Ordinar, of the four halfes about, & require them to vſe the like diligence, vnder the paine to the quhilk the traytoures and rebelles ar ſubject, or hes incurred. Ia.6. p. 12. c. 124. And furder, the Schireff ſuld concur and fortifie vther officiars, to take vp the eſcheit of rebelles, and ſuld make convocation of the Kingis lieges to that effect, Ia.6. p.8. c.74.

Ratification of letters of horning.

Mair-over, all letters of horning, with the indorſation thereof, ſuld be regiſtrat be the Schireffes Clerke, within fifteene daies, after the denuntiation. And being marked and ſubſcrived be him, ſuld be delivered to the party. And ſik-like, all relaxationes ſuld be regiſtrat in the Schireffes buikes, within fifteene daies after the publication thereof, Iam.6. p.6. c.75. Ia.6. p.8. cap. 142. And ilk Schireffe ſuld cauſe proclaime the names of the rebelles, at the mercat croce of the head burgh, vpon mercat daies, preceeding the three head courts, and fix ane Catalogue conteinand their names vpon the mercat croce, and in the Tolbuith. And ſend ane vther roll thereof to the Theſaurar, conteinand the names and cauſes, for the quhilk they were denunced. Ia.6. p.6 c.74.

Of inhibitions and interdictiones.

Laſt of all, to the effect, that they quha are in *Bona fide*, be not deceived in bying of landes or gudes, fra them quha ar interdited or inhibit, For eſchewing of ſik fraud, the Schireffe, *Tanquàm bonus prætor*, ſuld cauſe all inhibitiones and interdictions, with the executiones thereof, to be regiſtrat in his buikes, be his Clerke, within fourtie daies, after the publication of the ſamin. Ia.6. p.7. c.118.

Of the paines and puniſhment of Schireffes.

Quhat is the juriſdiction and office of ane Schireffe, may be eaſelie knawin be the lawes & conſtitutiones abone written: quhair of ſindrie conteinis certaine ſpeciall paines to be enjoyned to him, for his malice or negligence. And now I thocht gud to declare, certaine generall penalties, preſcrived be the lawes of this realme. And firſt, the Chancellar, Iuſtice, Chalmerlaine, Schireffe, nor nane of their deputes or ſubſtitutes, ſall ſuſteine or mainteine pleyes, quarrelles, or actiones, nor ſall not take landes, or vther budde or rewarde from the partie, for hindrance or delay of juſtice. And gif ony ſall happen to be convict thereof, hee ſall be puniſhed at the Kingis will, and ſall tine and forefalt his office, induring his life-time. *ſtat. 2. Rob. Br. c. Dominus Rex 22.*

Secondly, in the time of King David the Second: Becauſe the haill communitie and inhabitantes of the Realme, compleinand heavelie vppon Schireffes, Maires, Serjandes, and vthers the Kingis miniſters of the Law: It is ſtatute and ordained, that incontinent before the end of the Parliament: The juſtice Generall, with the Chalmerlaine. ſuld call, and conveene before them, and the inhabitantes of ilk Schireffedome, all and ſindrie the Schireffes, and vther Officiares, alſweill heretable, as Temporall, and deputes: And taxe and modifie the damnage and skaith done be them to the King and his lieges, to ane certaine ſumme: Quhilk taxation being maid, the Schireffe and vther Officiares, ſuld be put to the knawledge of ane gud and ſufficient aſſiſe: And being found culpable, and convict, they ſuld incon-

incontinent be put in the Kingis priſon, vntill he, with adviſe of his Councell declare his will. And mair-over, all the ſaidis Schireffes and vther officiars, either heretable or Temporall, being filed and convict, ſuld forefalt, and tine their office, induring their life-time. *Da.* 2. In his Parliament halden at *Perth.* 18. *Feb.* 1369. And of his reigne the 40. zeire.

Thirdly, the juſtice Generall, in his juſtice aire, ſall challenge and accuſe the Schireffes and vther the Kingis officiars, and take cognition how they haue vſed and exerced their offices. And gif ony of them be found culpable or faultie; the juſtice ſall remoove him fra his office, vntill the nixte Parliament, and ſall put ane vther in his place, to vſe the office in the meane time. And mair-over, the juſtice ſall take ſufficient ſoverty of him, vnder certaine paines, that he ſall compeir the nixt Parliament to vnderly the determination and punishment to be injoyned to him be the Parliament, for his fault; & he ſall na waies be reſtored to his office, bot gif the three Eſtaites think the ſamin expedient *Stat. Rob Br.* 3. *Ex libro Sconenſi.*

The Schireffe may be removed be the juſtice, vntill the nixt Parliament be the three eſtaites.

Fourthly, gif the Schireffe, or ony vther officiar of law, be lauchfully proven, or notourlie knawin faultie or negligent in the execution of his office perteining to him in fee and heretage, he ſall tine the ſamin, & all the profites thereof, for ane zeir and day; and ſalbe puniſhed in his perſon and gudes at the Kingis will, after the qualitie of the treſpaſſe. And gif his office is Temporal, he ſall tine the ſamin, for all the times he hes it; and vtherwaies ſalbe puniſhed, as ſaid is. Ia. 2 p. 14. c 77.

Schireffe heretable and Temporall.

Fiftlie, gif the Schireffe or ony judge Ordinar, will not execute his office, and miniſter juſtice, he ſalbe puniſhed, and put fra his office, for ane certaine time, after the diſcretion of the King and the Councel, and puniſhed at the Kings will, and pay the expenſes to the partie compleinand. And gif he bee found partiall or culpable in the adminiſtration of juſtice, and is Schireffe in fee & heretage, he ſall tine his office for three zeires. And gif he be Temporall, havand his office for ane certaine time, he ſall be put fra the ſamin perpetually: paye the expenſes to the partie offended, and puniſhed in his perſon, at the Kings will. Ia. 3. p. 5 c. 26.

Tinſell of honour & fame.

Sextlie, all Schireffes, and vther judges, alſweill Spirituall as Temporall, within regalitie and royaltie, ſall do trew and equall juſtice to al the Kingis lieges, without ony partiall counſel, or taking of buddes, vnder the paine of tinſell of their honour, fame, and dignitie. Ia. 5. p. 7. c. 104.

Gif ony partie compleinis vpon the Schireffe, that he hes done to him wrang, in giving and pronuncing ony ſentence or decreet againſt him: & deſiris the ſamin to be extracted and delivered to him, vpon his expenſes: The Schireffe ſuld giue and deliver the proceſſe, led and deduced before him to the partie, vpon his expenſes: and ſuld take four pennis for ilk acte allanerlie. Ia. 4 p. 6. c. 67. At the leaſt, he ſuld extract proceſſe, decreetes, giue ſaiſinges and retoures, at reaſonable prices. Ia. 6. p. 12. c. 114.

Extract of proceſſe

ΠΑΡΑΙΝΕΣΙΣ AD IVDICES.

OMnis qui iudicare debet, Stateram in manu teneat: Nam æqualia & ſine perſonarum exceptione eſſe debent iudicia. Nihil iniquius quàm munera capere in iudicijs: Quia munera excæcant corda prudentium. & ſubvertunt verba iuſtorum. Qua enim Bilance iudicabitis, eadem iudicabimini. Quapropter tu index timeas Deum iudicem; ne ſortè eo iudicante, damneris. Stat. Wilh. cap. 27. Proinde ſis Deum honorans & timens: Sapiens & in ſcientia potens: Veritatem ſequens & amans: Auaritias odiens & deteſtans. de Maritag. c. 2 Cave iuſtitiam ſubvertas odio, per quod inventa aliqua malitioſa cautela, contra partem tibi exoſam, reddis iudicium indirectum: vel cupiditate, dum corruptus muneribus, malitioſè iudicabis: Vel timore, dum metu potentioris, verè iudicare non audes: Vel amore, dum cauſa amicitiæ defendis amicum, & ſupprimis inimicum. de Maritag. c. 4. Facias igitur iuſtitiam æqualiter, tam pauperibus, quàm divitibus. Stat. 2. Rob. Br. cap. 2. Quia omnes iudices & magnates qui plus favent his quàm illis in iudicio, aut maleſactores ullo modo manu tenent, ſunt falſi, & periurati contra Deum, Regem & populum regni. Leg. Mal. Mak. c. vlt in fine.

SCOTIA, Sum-time ſignifies that part of Scotland, quhilk is on the North part of the water of Forth. *Aſſ reg. David. c. ſtatuit. 21.* And is opponed to *Lodoneium*, quhilk now we call *Loudiane*. For King *David* the First, in the thrid zeir of his reigne, *Anno Domini 1126.* Be his Charter maid, *Omnibus Scottis & Anglis, tam in Scotia, quàm in Lodoneio conſtitutis*, gave and diſponed to S. *Cuthbert* and his Monkes in Durhame (*Dunelmenſi Eccleſiæ*) The landes of *Coldinghame, Lummeſden, Reningtoun, Fiton, Fiſſerwik, Auld-Cambus, Swintoun, Pendre-geiſt*, and vthers, lyand in *Lodoneio*, quhilk now lyis in the Mers, and Schireffedome of *Berwick*. And in the actes of Parliament, juſtices generall ar ordained to be ane or twa, on the South ſide of the water of Forth: And ane or twa on the North ſide thereof. Iam. 3. p. 14. c. 97. Quhilk agreis with the act maid be King *Iames* the Second. p. 3. c. 5. Quhair it is ſtatute, that the juſtice on the South ſide of the Scottiſh ſea, ſet their juſtice aires, & hald them twiſe in the zeir. And alſo on the North ſide of the Scottiſh ſea, as auld vſe and cuſtome is. And in the Lawes of *Malcolme Mak-Kenneth ca. 4.* *Mare Scotia*, is taken for the water of *Forth*.

SECTATOR, Ane ſoytor in court, quhais qualities and office. *vid. verb. Soek.*

SEK Of wooll, and furing of gudes be the ſek, ſerplath, and tunne. *vid. Serplath.*

SERIANTERIÆ, *Sergenteriæ. Lib. 2, cap. Dicitur autem. 72.* In the quhilk place, *pro Serianterijs, mendoſè legitur, Suggeſtoribus. Serianteria, á ſeriando*, as *miniſterium, a miniſtro*, or *ſervitium a ſervo*: Signifies ane maner of halding of landes, ſpeciallie in the Lawes of England, quhair *Grande-ſerjantye*, is quhen ane man haldis his landes of the King. For the quhilk he ſulde paſſe with him in his hoiſt, or to beare his banner with him in his warres: Or to lead his hoiſt or armie. And hereto belangis warde, mariage and relieue, quhilk is ane maiſt ſpeciall Knichts ſervice. *Petit ſeriantye*, is quhen ane haldis his lands of the king, yeelding to him ane knife or buckler, an ſcheife,

of

of arrowes, ane bow, or vther ſik ſervice, conforme to his infeftmēt: Quhair vnto na waies belangis warde, mariage, or relieve, quhilk wee may call, blench-ferme, or *alba firma*. Read the ſtatute maid be King *Edward* the firſt, King of England. 18. zeir of his reigne, anent wardes and relieues.

SERIANT, *Sergeant*, ane French worde. For like as meſſengers cums fra the French word *Meſſiers*: Swa Sergeant likewaies cums fra Sergent, *Quæ eſt vox compoſita, de Serrer, quod eſt includere, & gent, quod pro gente, plebe, vel populo vſurpatur. Itaque Seriandus dicitur, qui iuſſu magiſtratus, quemlibet de populo reum criminis, in carcerem conijcit, ſeu includit.* That is, he quha at cōmande of the Magiſtrate, incluſis, or lockis in priſon, guiltie perſones delated, or ſuſpect of ony crime. *Seriandus curiæ*, or *ſerviens curiæ*, the Seriant of the court, officiar, executor of letters or ſummondes, quha be the interpretours of the civill law is called *Nuntius. vid. Recordum.*

SERPLAITH. Iam. 1. p. 2. c. 38. Iam. 2. p. 14. c. 68. Conteinis four-ſcore ſtanes, For the Lordes of Councel in *Anno* 1527. decerned four ſerplaithes of packed wooll, to conteine ſexteene-ſcore ſtanes of wooll. Be the traffick of merchandes now vſed, The merchands vſis to pay fraucht for their guds to Flanders be the Sek, To France, Spayne, and England be the Tun: And to Danskene, and the Eaſter Seas, be the ſerplath. Three maner of furing of gudes.

As I vnderſtand, ane Serplath of guds, is only counted betuixt merchand and skippers, for furing of gudes to the Eaſter Seas, and fra thine hame to this realme. Swa that for everie ſerplaith of gudes fured, or promiſed to be fured Eaſterward, the skippers is obliſhed to fuir hame to this realme, twa laſt of gudes: And this Serplaith of gudes is of na greater quantitie, nor the ſek of gudes to Flanders. 1 Serplaith.

And ilk ſek, be the act of Parliament. Ia. 6 p. 7. c. 108. ſuld conteine twentie four ſtane of wooll: And be the dailie calculation of merchandes, fourty Trois ſtane. Ilk Trois ſtane, conteinis ſexteene pound Trois. And ilk pound weicht theirof, conteinis ſexteene ounce Trois. 2 The Sek Trois ſtane.

The ſek of wool, is commonly ſet be the skippers to ane tun: ilk tun conteinis ſex hundreth pund Trois weicht. Ilk hundreth weicht, conteinis fiue ſcore pund weicht, quhilk is ſex ſtane, and ane quarter Trois. Seck of wool. Tunne Hundreth weicht.

The wool, quhen it is bocht be merchands, is bocht be the Trone-ſtane, quhilk conteinis commonly xix. pound and ane halfe Trois. Alwaies concerning the ſek of wooll, I finde na ſolide or conſtant weicht thereof: For ſome ſeckes wilbe mair, and ſome will be leſſe nor fourtie Trois ſtane: Bot commonly the ſek of wooll, conteinis fourtie Trois ſtane, as ſaid is. Tron ſtane

Ane laſt of guds fured hame, conteinis commonly twelue Barrelles, And the auld forme of furing of gudes, fra Danskene to this realme, was for everie ſerplaith, as it is zit, twa Laſte. Bot for this Laſte, the skippers fuiris hame, xiiij. barrelles, Ilk Barrel being of weicht, ane ſchip pund. And of licht guds, ſik as lint and hempt, there is fured for the ſerplath, twa Laſt. 3 Furing of guds be the laſt. Barrell.

Ilk Laſt is twa packes: And ilk pack is als great als halfe ane ſek of wooll skinnes, and conteinis in weicht threttie ſex ſpruſſe ſtanes. Pack Spruſſe ſtane.

Ilk ſpruſſe ſtane, conteinis twentie aucht pound Trois weicht.

Swa the laſte exactly weyed, will conteine of our Trois weicht, ſex ſcore

ſex ſtanes, & for ane laſt of walx, that is fured hame be ſtrangers, fourteene ſchip pund. And be Scottiſh Skippers, twelue ſchip pund. Alſo of Tar, pick, and ſik like wares, twelue great barrelles for the laſt, & fourteene ſmall Barrelles. Thir great barrelles, ar called Hamburgh trees, and ar in greatnes not vnlike to our Salmond trees, and ſuld conteine fourteene Gallones: & the ſmall barelles, ar ſomewhat greater, nor our herring trees.

Laſt of walx. Of Tar Pick Great and little barelles

Likewaies of Rye meill, ſome times twentie four barrelles ar fured for the Laſt, ſpeciallie be ſtrangers: and be our awin skippers, auchteene barrels for the Laſt thereof. And ane Laſt of rye, is ſome-time auchtene Bolles and ſometimes nineteene bolles in meaſure.

Ry meill. Rye

Item, ten ſeckes of wooll, makis ane Laſt of wooll.

Likewaies, ten hides makis ane daiker, and twentie daiker, makis ane laſt. Twelue dowzane of glooues, or Ledder poyntes, makis ane groſſe: and ane great groſſe, conteinis twelue ſingle groſſe.

Daiker Groſſe

Ten ſtane of braſſe, makis ane Barrell.

Sex Barrelles of Engliſh drinking Bere, makis ane Tun.

Barrell of Braſſe

Twelue Barrelles of Salmonde, ar bocht be the merchands for the laſt: Bot in furing of them over the Sea, the skippers countis only nine barrelles for the Laſt.

Laſt of Salmond.

And likewaies the Seck, al-be it it be counted in Flaunders to twelue Barrelles, zit twelue of their barrelles, conteinis ſexteene commoun Barrelles.

Flanders barrell.

The Fidder of lead, conteinis neereby, ſexſcore and aucht ſtane.

Fidder of lead

Ane ſchip pound, conteinis ſexteene ſtanes and ane halfe, of Scottiſh Trois weicht.

Schip pound.

Sexſcore of ſkinnes, is reckoned to the hundreth.

As likewaies, ſex-ſcore clues of woollen claith is counted for ane hundreth. Ia. 6. p, 7, c, 103. Quhilk is conforme to the auld vſe, obſerved in the daies of King *David* the Second, as is manifeſt be the cuſtome compt, maid be the Cuſtomer of the Burgh of Striviling, the zeir of God, ane thouſand, three hundreth, ſextie aucht zeires.

Weichtes and meaſures in Orknay.

THe malt, meil, and beare, ar delivered in *Orknay*, be weicht in this maner. *Imprimis*, 24. marks makis ane ſetting. Item, 6 ſettings maks ane mail. Item 24. meales makis ane Laſt. Item, of meille and malt called *Coiſt*, ane laſt makis ane Scottiſh chalder: Item, an Laſt & an half of beare conteinis 36. meales, 36 meales, maks ane chalder. Itē, the butter is delivered in Barrelles, quhair the quantitie is greate, bot quhair the quantity is ſmall, it is delivered in markes and leſh poundes: That is to ſay, xxiiij. markis, makis ane ſetting, as ſaid is: And 6. ſettings makis ane leſh pound. Item, ane ſtane and twa pound Scottiſh, makis ane leſh pund. Item, 15. leſh pundes makis ane barrel. Item, 12. barrelles, makis ane Laſt. Item, the fleſh is delivered be appriſing. *viz.* 10. meales makis ane ſufficient Cow, and ane ſufficient Oxe. Alſo, ane gild Oxe is appriſed to 15. meales, and and ane Wedder is four meales. Item, ane Gouſe is twa meales. Item, ane Capon is halfe ane Gouſe, *viz.* ane meale.

SER-

SERVICIVM *Militare*, Knichtes-ſervice, and ſpecially concernis ward and relieue. *Vide Serianteria. Vide Hawbert. Vide Warde.*

SERVIENS *Curiæ, ſeriandus curiæ. Leg. Malc. Mak. c. 3.* Ane ſerjand, or officiar of Court, the executour of ſummondes, quha ſummondis and attachis ony perſon to compeir in ane courte, to aunſwer to ane vther, conforme to law and reaſon. *Molinæus in ſtilo ſuper. cur. par 1. c. 20.* quha is called *ſerviens*, becauſe he ſuld ſweare to ſerue leallelie and trewlie the King, in execution of his office. *Quon. attach. c. Nullus 57.*

SETTER-DAYIS ſlop. *ſtat. Alex. c. hæc eſt Aſſiſa 27. Leg. burg. c. hæc eſt Aſſiſa. 113.* Ia. 1. p. 1. 26. *Maij* c. 11. Ia. 4. p. 2 c. 15. quhilk ſtature maid, as is alleaged be King *Alexander*, is aſcrived to King *David*, be King *Iames* the Fourth, in the place foreſaid: The Setterdayis ſlop is ane ſpace of time, with in the quhilk it is not leaſum to take Salmond fiſh: that is, fra the time of Even ſang after noone on Setterday, vntill the riſing of the Sun on Mononday, *ſtat. 2. Rob. Br. c. Item ordinatum 12 ſtat. 1. Rob. Br. c. 8. Leg. Foreſt. c. Omnes aquæ 85. Iter. Camer c. calumniabuntur 16.*

SIMINELLVS, *Leg. Burg. c. 122.* From the Latine worde, *Simila*, quhilk ſignifies the beſte and ſmalleſt part of the Quheate or floure, quhite bread, or main-bread: In the quhilk ſignification, in the Dutch tongue, it is commonly called *Semmell.*

SOK, *Lib. 1. cap. 3.* Ane auld worde vſed in Chartoures and infeftmentes, quhilk in ſindrie auld buikes conteinand the municipall Lawes of this Realme, is called *ſecta de hominibus ſuis, in curia, ſecundum conſuetudinem Regni.* Swa after my opinion, hee quha is infeft with Sok (quhilk now wee call Soyte, from the French worde *Suite. h. e. ſequela*) hes power and libertie to halde Courtes within his awin Barronnie or Landes: In the quhilk Courtes, *homines ſui*, or his vaſſalles ſuld giue Soyte, and ſende for them, ane quha is called Soytor, or *Sectator, a ſequendo:* Becauſe hee ſulde follow the courte, in the quhilk hee ſuld compeare, This office was verie profitable, for furthering of juſtice. And firſt, hee quha is obliſhed to giue Soyte in the Courte of his Over-lord, ſuld doe the ſamin, conforme to the tenour of his infeftment, and na vther-waies. *Leg. Forreſt. cap. nullus 68. cap. Si hæreditas 69.* And gif hee aucht three Soytes be his infeftmente: hee ſall compeare bot at three head Courtes in the zeire, without Summondes or warning. *Mod. ten. cur. cap. 1. cap. 13.* Na judge aucht of law, or of reaſon, to except onie man in court as Soytour. Bot gif hee can make ſufficiente and lauchfull reporte, of proceſſe, doomes, judgemente, and in lauchfull forme, giue and pronounce doome of Mutes, and pleyes in Courte, followed and defended before him in Courte. *Mod. ten. cur cap. 38. Quoniam attach. cap. Nullus ſectator 20.* And ilk Soytour before he be admitted be the Baillie or judge, ſuld be examined in three courtes, gif he can make recordes of the Courts, and giue ſufficiently ane warde, or ane doome of wardes or doomes, asked in the courte or not. And then quhen he is be his fellowes admitted, hee may not afterward for weakneſſe of knawledge be rejected. *Quoniam attach. nullus 20.*

Sectator

Three Soytes.

Soytors ſulde be qualified

Ane

The aith of ane Soytare

Ane Soytour, is oblíſhed to make faith, that he ſall lealelie and trewlie make record of Court, that is, of the claime, libell and proceſſe, and ſall pronunce lauchfull and trew ſentence, according to the knawledge given to him be God; And ſall after his vnderſtanding, lealelie and trewlie ſerue, induring the time of his office. *Stat. Gild. c. 50.* The court beand ſenſed, the Serjand thereof ſall call the Soytes, and defalt the abſentes, that ar not lauchfullie eſſoinzied: And gar ane Soytour of the court, deeme them in ane vnlaw, with the conſent of his fellowes and Colleges. *Mod. ten. cur. c. 1.* Be the auld law of this Realme, and actes of Parliament. Iam. 4. p. 6 c. 95 Doomes and decreetes given and pronunced be Soytoures, in ane inferiour courte, was falſified and reduced in ane ſuperiour courte, as the proceſſe of brieues wrangeouſly deduced in barron court, was falſified in ane Schireffe court, and doomes given in the Schireffe-court, was falſified in the juſtice court. *Lib. 2. c. Dos duobus 19.* And laſt of all, doomes pronounced in the juſtice court, was falſified in Parliament before the Lordes, called *auditores querelarum*, in this maner conteined in the regiſter. 7 Octob. 1470. *Datum ſuit iudicium infra ſcriptum, per os Alexandri Dempſter iudiciarij Parliamenti in preſentia Sereniſſimi Principis Iacobi tertij. S. D. N. Regis, cum corona in capite ſuo & ſceptro in manu ſedens in Cathedra Iuſtitiæ Parliamenti, ſub hac forma:* The Lords choſen be the three Eſtaites of this preſent Parliament, vppon diſcuſſing of the doomes, delivers and declaris, that the doome given in the juſtice aire of Edinburgh, the xij. of Iulij laſt by paſt, be the mouth of *Andrew Blackſard*, ſoytour, for the Landes of N. for *Iohn* N. and *Ionet* M. his ſpouſe, and againe called be *David Balfour* of *Caraldſteun*, fore-ſpeaker for *Archbald* N. was evil given, and weill againe ſaid: For diverſe reaſones ſchawen and vnderſtande to the ſaidis Lordes: And therefore ilk ſoytour of the ſaide doome, & their lordes, ilk man be himſelf, is in ane amerciament of the court of Parliament, ſik as effeiris to be taken in the juſtice aire, & in ane vnlaw of the ſaid juſtice aire for them. And in ane vnlaw of Parliament amang them, al ſik effeiris of the Law: and this I giue for doome. Swa it is manifeſt, that in al courts inferiour to Parliamẽt, the ſoytours pronunced the doome. And gif the doome given be them in ane Barronne court, was falſified in the Schireffe courte: All the ſoytoures payed bot ane vnlaw. Bot gif the doome given be them in the Schireff court, was falſified in the juſtice court, ilk ſoytour payed ane vnlaw of ten poundes, of the quhilk diverſitie, the reaſon is conteined in *Quon att. c. quilibet 7.*

The Soytour vnlaw is the abſentis

Falſing of doomes.

SOKMANRIA, or Soccage, is ane kinde of halding of lands, quhen ony man is infeft freelie, without ony ſervice, warde, relieue, or mariage, & payis to the Maiſter ſik dewtie, as is called, *petit ſeriantie.* Or quhen ane haldis his Landes in the name of Burgage, or *in Libera Eleemoſyna. de Maritag. c. 1. Soccamannus*, is called ane vaſſall, or Free-halder, quha haldis his Landes in maner foreſaid, or in blench ferme, *ſive nomine albæ firmæ: Et opponitur militi, qui tenet per ſervitium militare:* That is, be ſervice of warde and relieue: *Lib. 2. c. Si quis plures 30. c. Et hæredes 41.* And in *Magna Carta* of England. *Anno. 51. Hen. 4. c. 27.* Mention is maid of ſindrie formes of halding. *viz.* Free-ferme, burgage, ſoccage, and Knicht-ſervice. Read the ſtatute maid be

Ed-

Edward the Firſt, King of England, the xviij. zeir of his reigne. Vthers allegis, that *Soccagium* cums fra *Socco, ſiue Aratro*, affirming that Soccage is properly, quhen the tenent is bound and obliſhed to cum with his pleuch to teill and labour ane pairt of the Lords landes. Concerning tenures, and diverſe halding of lands; read the treatiſe witten be Littleton.

STALLANGIATORES, *A ſtallo*, Cremers, or Fortaine merchandes, quha within burgh, in the time of Faire or mercat, payis certaine dewtie for their ſtall or ſtand, in the quhilk place they ſell their merchandice: For it is ordained, that ilk ſtallanger ſall eith er agree with the Proveſt of the Burgh, in the beſt forme as he may: or elſe ilk mercat day, ſall pay to him ane halfe-pennie. *Leg. Burg. c. Quilibet 39.* And in the auld forme of cuſtomes, it is called, the ſtallenge of the mercat. And *Leg. Burg. c. Mercenarius 40.* It is called, *Stallum* or *Botha in Foro.*

STINGISDINT, *Leg. Burg. c. Sciendum eſt 9.* Ane dint or ſtraike with ane ſting or Barron: In Latine, *Fuſtigatio.*

STERLINGVS, *Eſt genus ponderis*, ane kinde of weicht conteining threttie twa cornes, or graines of quheate, *Vt in aſſiſa reg. Da. de ponderibus & menſuris.* And in the Cannon law, mention is maid of fiue ſhillings ſterling, and of ane marke ſterling *c. 3. de Arbitris. c. Conſtituit. 12. de procuratoribus.* And the ſterling pennie is ſwa called, becauſe it weyis ſa mony graines as I haue ſindrie times proven be experience. And be the Law of England, the pennie, quhilk is called the ſterling, round and without clipping, weyis thretty twa graines of quheat, without tayles, quhairof twenty makis ane ounce, and twelue ounces makis ane pounde; and aucht pounde makis ane galloun of Wine: And aucht gallounes, makis ane buſchell of London, quhilk is the aucht parte of ane quarter. *Anno 17. Edward 2. cap. 19.* The quhilk cuinzie was meikle vſed within this realme, as is manifeſt be auld Charters and evidentes. For the ſexteene day of *Auguſt*, the zeir of God, 1395. *Walterus Seneſcalli, Dominus de Ralſton, Vicecomes de Perth, impignoravit, Necnon nomine pignoris dedit, & conceſſit Nobili & potenti Dn. Dom. Roberto, Comiti de Fife & Menteith, totam & integram Baroniam ſuam de N. pro ducentis marcis ſterlingorum moneta Scotiæ, ipſi per eundem Comitem mutuatas, & præmanibus plenariè perſolutis. Tenen̄ & haben̄ ipſi Comiti, & hæredibus ſuis, de Domino Rege &c. Quouſque dictus Walterus Seneſcalli, aut hæredes ſui, præfato Domino Comiti, vel ſuis hæredibus, ducentas marcas ſterlingorum moneta Scotiæ vno die, inter ſoliſortum & occaſum, in Eccleſia Parochiali de N. perſolverit, vel perſolverint. Et prætereà dictus VValterus omnes firmas, reditus, commoditates, & proficua, de dicta Baronia, medio tempore provenien. dedit & conceſſit, pro ſe & hæredibus ſuis, prædicto domino Comiti, & hæredibus ſuis, pro ſuo conſilio bono, ipſi impenſo, & impendendo. Faciendo inde annuatim, prædictus Comes & hæredes ſui, Domino Regi ſervitia debita & conſueta.*

The quhilk Charter conteinis the reverſion, and alſo a donation of the profites of the Landes, quhilkis were wedde-ſet, conforme to the practicque vſed and obſerved vnto the time of King *Iames* the Thrid, of gud memorie. *vide Regres,*

SVBVASSORES, *ſubvalvaſſores*, baſe halders, or inferiour halders

ſpe.

ſpecially, they quha haldis their Lands of Knichts. *Leg. Mal. Mak. c. 4. Quon. attach. c. Si aliquis 49. Aſ. reg. Da, c. ſtat. 8.* Quhair it is ordained, that ilk perſon quha is accuſed criminally, ſalbe judged be his Peere, or ſuperiour in eſtaite and dignitie.

T

TAYNT, *vide* Attaynt.

TENEMENTVM, Is commounly taken for the propertie of ony landes, Or immoveable gudes within Burgh, or without the famin. *Lib. 2. c. Dos duobus 19. c. Fieri autem 67. Liberum tenementum.* And the ſuperiour ſuld not haue the Warde of the tenement perteining to his vaſſall being *Minor*: Nor can craue na ſerviee nor relieue fra him, being *Minor* or *Maior*, except he firſt receiue his homage. *lib. 2. c. Pradictis 60.* In the quhilk ſignification, it is commonly vſed in the Lawes of England.

TERRÆ *Dominicales*, Ane worde commonly vſed in Charters and infeftments, quhilks ar called ane Maines, or demaine lands laboured and occupied be the Lorde, and proprietar of the famin: From the French worde, *Domaine*, *Domanium*, or *Demanium*: Quhilk worde properly ſignifies the Kingis lands perteining to him in propertie. *Quia domanium definitur illud quod nominatim conſecratum eſt, vnitum & incorporatum Regiæ Coronæ, vt ſcribit Cheppinus de domanio Franciæ. Tit. 2. per l. Si quando 3. C. de bon. vacant, li. 10. Et Matthæus de Afflictis in Conſtitut Sicilie Lib. 1. Tit. de locatione demanij 82.* quhilk may be called, *Bona incorporata, & in corpus fiſci redacta.*

THANVS, Is ane name of dignitie, and appearis to be equall with the ſonne of ane Earle. For the *Cro* of the ane, and the vther is alike. *Lib. 4. c Si quis calumnietur 28. ſtatuit 64.* And *Thanus* was ane Freehalder, halding his landes of the King. *Quoniam attachia. c. Recordatio 63, aſſiſa regis. David. c. Recordatio 17. ſtat. Alexandri. cap, Recordatio. 26.* And gif ane man not taken with the fang, is accuſed of thieft, and na ſufficient probation is deduced againſt him, he ſuld purge him be the aith of twentie ſeven men, or of three Thanes. *Lib. 4, c, Si quis calumnietur 28. Thanagium regis*, ſignifies ane certaine part of the Kingis landes or propertie, quhairof the rule and governement perteinis to him quha theerefore is called *Thanus*. For *Dominia regis, & Thanagia regis idem ſignificant. aſſ. reg. Da. c. ſtatuit Dominus 38.* It is ane Dutche word, for *teiner* ſignifies ane ſervand, and *teinen* to ſerue: And *Thane* is likewiſe ane ſervant, and *Vnter-thane* ane inferiour ſervand or ſubject. *vid. Leg. Britonum verbo Thauns.*

THEME *lib. 1. c. 3.* is power to haue ſervandes and ſlaues, quhilk ar called *nativi, bondi, villani*, and all Barronnes infeft with *Theme*, hes the ſame power: For vnto them all their bond-men, their bairnes, gudes, and geare properly perteinis, ſwa that they may diſpone thereupon at their pleaſure *lib. 2 c, Conſequenter 13. cum ſeqq.* And in ſumme auld authenticke buikes it is written, *Theme, eſt poteſtas habendi nativos, ita quod generationis Villanorum veſtrorum, cum eorum catallis, vbicunque inveniantur, ad vos pertineant. Theme* cummis fra *than, id eſt, ſervus*, and therefore ſum-times ſignifies the bond-

men

men and ſlaues, conforme to ane auld ſtatute and law. *De curia de Theme. Quòd ſi quis teneat curiam de Theme, & illa querela in illa curia movetur, ad quem Theme vocantur : non debet illa curia elongari, ſed ibidem determinari, & omnes Theme ibi compareant.* quhilk is vnderſtand of the queſtion of libertie, quhen it is in doubt, quhidder ony perſon is ane bond-man, or free-man : Quhilke kinde of proceſſe ſuld not be delayed, bot ſummarly decided. Quhairof there is twa kindes: for either ane free-man is alleaged to be ane ſervand and ſlaue, or ane quha is in ſervitude, deſiris to be maid free, and put to libertie. *Dict cap. 13. c. 14.*

THIFT-BOTE, *vide* Bote.

TIMBRELLVM, *Tumbrellum*, ane kinde of torment, as ſtockes, or jogges, quhair-with craftes-men, ſik as browſters ar puniſhed. *Leg. Burg. 8. Si aliquis 21.* quhair it is called, *Caſtigatorium.*

TOLL, *Lib. 1. c. 3.* Cuſtome, from the Greeke word of the ſamin ſignification τελος. He quha is infeft with Toll, is cuſtome free, and payis na cuſtome: quhilk is manifeſt be ſindrie auld buiks: quhair it is written. *Tol. h. e. Quod vos & homines veſtri, de toto homagio veſtro ſint quieti de omnibus mercantijs, & de tolneto de omnibus rebus emptis & venditis.*

Mair-over, all Earles, Barronnes, Knichts, vaſſalles, life-renters, Free-halders, and al quha hes landes *nomine eleemoſynæ*, ſuld be quite and free, fra payment of Toll and cuſtome within Burgh; in bying meate and claith, and vther neceſſair things to their awin proper vſe. Bot gif ony of them be commoun merchandes, they ſuld paye tholl and cuſtome; Albeit they haue als great libertie as Barronnes. *De iudic. c. 3. leg. Foreſt. cap. Comites 13.* And in the auld Briton Lawes of King Edwarde, it is written *Thoill, quod nos dicimus Tholoneum, eſt quòdita infeodatus, habeat libertatem emendi & vendendi in terra ſua.*

TORRALIVM, *Thoralium, a torrendo*, is called ane Kill, quhair cornes ar dryed. *Leg. Burg. c. Si quis 53. De combuſtione domus aut torralij:* Of the burning of the houſe, or Kill. Gif ane ſervand burne rakleſlie thy houſe, Kil, or nichtbours houſe adjacent, he ſuld not be puniſhed, bot tinis his ſervice. Bot gif ony man hiris ane Kill, and it burne, he ſall pay bot the hire. Bot gif he borrowis it, and it burne, hee ſall pay the valure of it to the partie skaithed. *vide* Ia. 1 p. 4. c. 71 *Cum ſeqq.*

TORT, *Et non reaſon*, vn-reaſon, wrang, and vnlaw. *Stat. Rob. Br. cap. Item quod nulla 17. Tort* in the French tongue, is wrang or injurie: Vnlaw cummis fra *On, Privatiua particula apud nos & Germanos, eodem modo quo in, apud Latinos*, and law, or lauch, *id eſt lex: Quaſi ſine lege, vel contra legem, vel quod non iure fit. Ius Normand. Lib. 12. c. 1.* Actiones of wrang and vnlaw, appearis to be civill actiones, and ar opponed to actiones criminall, touching life and lim. *ſtat. Alex. c. Si quis 9. Cum ſeqq. Leg. Mal. Mak, c. 4.*

TOCHEODERACHE, ane office or juriſdiction, not vn like to ane Baillierie, ſpeciallie in the Iles and Hie-landes. For the 9. Mart. 1554. *Neill Mack neill*, diſponed and annalied to *Iames Mack Oneil*, the Lands of *Gya*, & vthers, with the *Toſchoduirach* of *Kintyre*. Some alleagis it to be an office perteining to execution of ſummondes. *Lib. 1. cum autem. 8. Quon. attach. c.*

Si aliquis 49. Sik as ane quha ſummondis, attachis, or arreiſtis ane vther, to compeir before ony judge. *Stat. 2. David. cap. 6.* Vthers vnderſtandis the ſame to be ane Crowner. *lib. 4, cap. Raptus 9.* Laſt, ſumme vnderſtandes it to be ane ſearchour, and taker of thieues and limmeres: For King *Evenus* did ſtatute, that in ſindrie Schireffedomes, there ſuld be ſindrie ſearchoures of thieues, rievers, and of them that lyis in waite in hie ſtreetes, and common paſſages. *Hector Boetius. Lib. 2. 10. Aberrans, inquit, Pecus, aut Domino furum indagatori (Tochederauch vulgus appellat) aut Sacerdoti reddito: quod ſi triduum apud te retinueris, furti reus eſto:* In the Civill Law, they are called, *Latrunculatores. l. Solemus 16. ff. de Iudic.*

TIMBRIA *Pellium, leg. Burg. c. Capitulum. 138.* Ane Timmer of skinnes: That is, ſwa monie as is incluſed within twa broddes of Timmer, quhilk commounlie conteinis fourtie skinnes: In the quhilk manner, merchandes vſis to bring hame Martrick, Sable, and vther coaſtlie skinnes and Furringes.

TIMBRELIVS, *Diciter paruus Cetus,* an little quhaile. *Leg. Foreſt. c. Si quis cetum 17. de Iudic. c. 27.*

TINNELIVS, *de iudic. c. 27: Leg. Foreſt. c. Si quis Cetum 17.* The ſea-marke, vtherwaies in Engliſh, Tyde-mouth. That is, the farreſt parte quhair the ſea tyde flowis. *Littus quo ſcilicet fluxus hybernus maris maximus excurrit, hoc eſt, quantumcunque mare aliquo tempore plus extenditur in hyeme vel æſtate, tantum eſt littus eius. §. Flumina. Et ibi Gl. Inſtit. de ter. diviſ.*

TRAISTIS, Ia. 3. p. 14. c. 99. Signifies ane roll or Catalogne, conteinand the particular dittay, taken vp vpon malefactoures, quhilk with the portuous is delivered be the juſtice Clerke to the Crowner, to the effect the perſons, quhais names ar cõteined in the portuous, may be attached conforme to the dittay, conteined in the traiſtis. For like as the portuous comprehends the names of the perſons indited: ſwa the traiſtis conteinis the kindes of dittay, given vp vpon them quhilk is ſwa called, becauſe it is committed to the traiſt, faith and credit of the clerkes and crowner, quha gif they be truſtie, & faithfull, ſuld nocht reveale, deleete, change, or alter the ſamin. Iam. 2. par. 6. c. 28.

TRIBVLA, *Leg. Burg. c. Si homo 16.* Ane Flaile quhair-with corne is threſhen, *A terendo, quòd frumentum terat.* Like as *Tribulus* is called ane thriſſill, & *Tribulum* ane Peſtell, quhair-with ſpices or ony vther thing is brayed in ane morter: *Barbarè magis quàm Latinè, ſecundùm vſitatum verſum à pueris in ſcholis decantatum: Tribulus threßill. la flaill, lum quoque peſtell.*

TVERNAY, *Quid ſit, valde ambigo, & hîc aliorum auidè expecto indicium.* In the Burrow lawes. *Cap. Quilibet 34. Si vxor alicuius fuerit calumniata de aliquo, in placitis Burgorum vtitur Tuernay:* That is, as in the auld Engliſh buik, the husband may doe richt for his wife, in courtes of Burgh. *Et de iudic. cap. cum quando 28. Si quis fuerit implacitatus coram iuſtitiario domini regis, vel alio balliuo, ſi dominus eius, vel eius Ballivus venerit & allegaverit pro ipſo in debita hora, poteſt recuperare curiam domini ſui. Et ſi per negligentiam ſuam reſponderit & dixerit tuentynay de omnibus ſibi oppoſitis planè reſpondebit, & ſic amittit curiam Domini ſui. In quibuſdam libris legitur Twentynay. Itaque conijcio*

eſſe

eſſe antiquum verbum forense, quo reus vtens, intelligitur approbaſſe iudicem, adeo vt eum poſtea declinare non poſsit.

V

VADIVM, *Vadimonium*, from ane auld word *veddum*, vſed in the Britton Lawes: In Latine, *Pignus*, in French, *Gage*, quhilk we call ane wedde. *Immobile vadium*, ſignifies immoveable gudes, ſik as landes annalied and wedſet vnder reverſion: The profites quhairof, *computantur in ſortem*: That is, ar compted and reckoned within the ſtok. Swa that the ſamin being payed in ſik quantitie as extendis, and is equivalent to the quantitie of the ſtocke, and principall ſumme: Thereby the principal ſumme is eſteemed, as compted and payed, quhilk is called *Mortuum vadium. vid. Mortgage*. Bot now the contrair is maiſt commounly vſed in practicque of wedde-ſettes and alienation of landes vnder reverſion. And be the auld Law of this Realme, is called ocker and vſurie, and zit be the ſamin, was permitted and tolerated. *Lib. 3. c. 6.* Quhidder the commoun forme of wedde-letting of landes nowe vſed vnder reverſion, is leaſum or vnleaſum, *Vid. Iaſ. in L. cunctos populos C. de ſumma Trinitate. Et Cheſ. in Conſuetud. Burgund. Rubric. 5. §. 1. 2.* In aulde times, I finde that quhen Landes war wedde-ſet, *nomine pignoris*, or *ad immobile vadium*: The profites and rentes thereof were given and diſponed be the annalier, to the byer, for ſome certaine reaſonable cauſes; as, *pro conſilio, vel auxilio impenſo, vel impendendo*; to the effect, that the byer bruikis the Lands, *ex diſpoſitione legis*. Swa he micht haue richt to the profits thereof, *Ex pacto & conventione hominis. vid. Reverſion. vid. Sterlingus. vide Mortgage.*

VADIARE *duellum. lib. 4. c. 2. A vadij datione*, to enact hattell, as in the Engliſh lawes, be giving of pledges, baith be the perſewer and defendar before the juſtice and his deputes. The perſewer is ſaide, *vadiare duellum*: Quhen after leaue asked and obtained from the King, hee offeris to proove in plaine field, all to be trew, quhilk he affirmis, and to that effect, offeris ane wad or plege: And the defendar is vnderſtande to *vadiare duellum*, quhen he denies al quhilk is ſpoken be the perſewer, and affirmis the ſamin to be falſe and vntrew; and thereto offeris his bodie to fight with him, and ane wadde or pledge to that effect. *De iudic. c. 61. c. 86. Molinæus ſtil. cur. par. part. 1. c. 16. Et author tractatus de Corona, Appellatus (inquit) defendet latrocivium, feloniam, & totum factum per patriam, vel per corpus ſuum ſecundum electionem ſuam, prout curia conſideraverit, aut vardaverit. Si autem elegerit ſe defendere per corpus ſuum: vadietur inter eos duellum. Et appellatus det Vadium defendendi, & appellans det vadium diſrationandi.* Bot *Philippus Pulcher*, King of Fraunce, diſcharged all ſingular combates, and all finding of pledges there-anent. *Molinæus D, part. 1. c. 10. De duello.* In this realme, the appealer and defender caſtis their glooues til vther, quhilk repreſentis the finding of the pledge.

VAGABVND, is called properly, ane quha hes na certaine dwelling place. *Guido Papa queſt. 202. per Gl. 1. §. 1. Prætor ff. de damno in fecto.* Quhilke

is verie ſpeciallie declared in the acte of Parliament. Iam.6.par.6.20.Octob. c.74.

VARDA, ane French word *Garde*, cuſtodie or keiping: For we vſe the letter W. quhair the French-men vſis the letter G. As Wardaine, for Gardaine, Warderobe, for Garderobe: Warrenne for Garenne. And the warde cuſtodie, and keiping of the aire, haldand his lands be ſervice of warde and relieue, perteinis to his immediate ſuperiour, quhilk is conforme to the Lawes of Normandie. *Lib.5.c.10.* Quhair-anent thir rules after following ſuld be obſerved and worthie to be noted.

The warde perteinis to the ſuperiour.

1 The ward and cuſtodie of lands, halden be ſervice of warde & relieue perteining to ane aire, being *Minor*, and of leſſe age, aucht, and ſuld perteine to the Over-lord and ſuperiour of the ſaidis lands, quha within the time of the ward, may preſent Eccleſiaſtical perſons to Kirks vaikand: ſuld ſuſteine honeſtly the aire, & ſuld not only pay the debts, auchtand to the defunct: Bot alſo aske and craue all debts auchtand to the defunct, or to the aire, and perſew and defend all actiones competent to him: Bot hee may not deſtroy nor annalie ony part of the landes. *Lib.2.cap. Plenam 42.c.Reſtituerit.44. vid. Relevium. vid Hawbert.*

The keiping of the bairnes perteinis to the mother.

2 Touching the cuſtodie and keiping of the perſon of the aire of warde landes, or of ony vther landes, or quhat ſum-euer maill or femaill, gotten or borne in lauchfull mariage: the ſamin perteinis to the mother, after the deceaſe of the father, vntill the bairne be of the age of ſeven zeires compleit, conforme to the commoun practicque of this Realme, and the civill Law. *L,1.& Tot Tit.ff.vbi Pupil.educar.debeat.*

For be the Law of this realme, grounded vpon the Climacterick zeires of *Septenarius & Ternarius*: That is, of ſeven and three zeires: there is three kindes of age. The firſt of ſeven zeires, during the quhilk time the bairnes are in cuſtodie of their parentes. The ſecond is, of fourteene zeires, after the quhilk time, ane aire may enter to his landes, annalie and diſpone the ſamin, as hee pleaſis. And before the quhilk time, na perſone may bee indited to the juſtice aire, or accuſed of life and limme. *leg.Forreſt.cap.Nota quod:5.*

Three kindes of age

The keiping of the aire perteinis to the King.

3 The keiping of the aire being *Minor*, haldand lands of the King, perteinis to him allanerly, albeit the ſaide aire haue vther ſuperiours of vther warde Landes, elder and prior in time to the King: *Quia rex nullum poteſt habere parem, multò minus ſuperiorem in ſuo regno:* Bot gif ane aire haldis lands, *nomine Burgagij* of the King: And vther lands *nomine warda & releuij*, of an vther ſuperiour, prior, or poſterior to the King, the cuſtodie and keiping of of the ſaid aire, perteinis not to the King, bot to the ſaid ſuperiour: *Quia ratione Burgagij Dominus Rex non præfertur alijs Dominis capitalibus in cuſtodia. lib.2.c Notandum 45.*

The keiping of the aire, perteinis to his ſuperiour.

4 After the outrunning of the ſeaven zeires, and the aire beand of that age, haldand landes of warde of ane ſuperiour, and haueing na lands be reaſon of warde of the King, the ſuperiour ſuld be preferred, anent the perſon of the aire, to the mother, Gud-ſchir, tutour, zea, to the King himſelfe,

and

and all vther perſones. 16. *Iulij* 1531 · Pen. *Iulij* 1532. The Abbot of *Abirbrothok*, contrair *Marion Forbes*. 28. *Iulij* 1529. *Iames Sandielands* of *Calder*, contrair *Edward Sinclar*.

5 The cuſtodie and keeping of the perſon of ane aire, havand lands halden of diverſe ſuperiours, be warde and relieve, perteinis to the eldeſt ſuperiour, to quhom the firſt homage was made: Or of quhom he hes the eldeſt and firſt inteſtment, or forme of halding. For al-be-it, ilk ane of the ſuperiours hes the warde of the landes halden of himſelfe: zit concerning the keiping of the perſon of the aire, the principall and eldeſt ſuperiour, is preferred to all vthers, *Lib. 2. c. Reſtituere 44.* The eldeſt ſuperiour is preferred to al vthers.

6 The keiping of the aire hauand lands blench, or in few-ferme, and alſo ward-lands, perteinis to the ſuperiour, be reaſon of the ward, and not to the tutour, havand intromiſſion with his blenche or few-lands. The ſuperior is preferred to the tutor.

7 Gif the ſuperiour, havand the richt and title to the warde and mariage of ane aire, diſponis the ward to ane donatar, and the mariage to ane vther: The donatar, to the mariage allanerly, ſuld be preferred in keiping of the perſon of the ſaid *Minor*, to the vther donatar of the ward, and al vthers: *quia ius maritagij eſt perſonale, & ſequitur perſonam.* The keiping of the aire, followis the richt of the mariage.

8 The keiping of the aire, ſuld never be committed to him, quha may claime, or claimis ony richt to his landes and heretage: Or may immediatly ſucceede after him thereto. *Lib. 2. c. haredes 47. Hac enim ratione illi poſſet præberi occaſio captandæ mortis ipſius hæredis, quod eſt periculoſum & impium.* The keiping of the aire, ſuld not be given to his appearand.

9 Be the Lawes of this realme, the aire maill, and all his landes halden ward, ar within ward and keiping of his ſuperiour, vntill he be of the age of twentie ane zeires. And the aire femaill, vntil ſche bee of the age of xiiij. zeires. Mar. par. 3. cap. 5. *lib. 2. c. 39. de iudic. c. 65. c. 121.* Becauſe the lands perteining to the aire maill, ar ſubject to the King or vther ſuperiour be ſervice: quhilk the *Minor*, be reaſon of his leſſe age and zouth-head, cannot doe. And therefore the King or ſuperiour, wantand the ſervice, hes recourſe to the land: that he may be ſerued be the profites thereof, taking vp to his awin vſe, or be ony perſon to quhom hee pleaſis to diſpone the ſamin, vntill his vaſſall be of perfite age, and able to ſerue. And the air femail is in the warde and keiping of her ſuperiour, vntill ſche be fourteene zeires of age, as ſaide is. For ſuppoſe ane woman of twelue zeires of age, be the civill lawe, may marie ane husband, zit be the law of this realme ſche may not marie, vntill ſche be fourteene zeires compleit. At the quhilk time ſche may lauchfullie marie, with conſent of her ſuperiour. *Lib. 2. c. Mulier. 48. cap. in Cuſtodijs 90.* And therefore ſche being ſubject to her husband, It is not reaſon ſche ſuld be alſo ſubject to the ward of her ſuperiour: and conſequently vnder twa wardes, and twa ſindrie ſeverall powers. Mair-over, ſche being maried, with conſent of her Over-lord, her husband may doe ſik ſeruice, as ſuld be done to him be the poſſeſſour of the landes, quhilk is conforme to that quhilk is written be Doct. *Thomas Smith*, of the commoun weill of England. *Lib. 3. c. 5. c. 8.* The ende of the warde

VARDA *Curiæ, Quon. attach. c. vbi aliqua 10. cap. in omni 18, c. nullus. 20.* The interloquutor or decreete of the court: *Curia dicitur vardare, conſidera-*

re, pronunciare, in this forme. The Court counſelled and adviſed. And *I.N.* Soytour of it, be their informationes ſayeth, that this Court counſelles, & *I.* award, that *N.* is in ane default for his abſence this day. The lik forme is vſed in the daily practicque, quhen the judge or clerke, be the mouth of the officiar or dempſter decernis and adjudges ony perſon to be in ane vnlaw, for abſence or ony vther cauſe. And *Lib. 2. c. vlt.* that quhilk is called *veredictum aſsiſæ*, in the ſamin place, *in libro Carbreith*, is called the waird, veredite, or deliverance of the aſſiſe.

VARENNA, and French word, ane *Garene*, That is, ane place quhilk is dyked and incloſed for beaſtes, Cunninges, or vthers, *Quon. attach. cap. 29. Mod. ten. cur cap. 21.* In Latine, *Paradiſus.* And the keiper of ane Cunningar or Cunnings, is called ane *Garenter. Infeodatus in libram varennam*, is nocht meikle different from infeftment, *in liberam foreſtam.* The quhilk kind of infeftment of auld is given to the Laird of *Roſling* his predeceſſoures, of the Barronnie of *Pechtland.*

WARE, *wair* of the ſea, ane word vſed in ſindrie infeftments: in Latine, *alga maris.* As in the Latin proverb, *abiecta vilior alga.* He quha is infeft therewith, may ſtop and make impediment to all vther perſones, als weill within the floud mark, as without the ſamin, to gather wair for mucking & guding of their landes. Or to gather wilkes, Cockles, Lempets, Muſſelles, ſand-eiles, ſma'll fiſh, or baite, vpon the ſand or craiges, fore-anent his landes, 24. Maij. 1549. The towne of *Carrail*, contrair *Griſſell Meldrum*. Vtherwaies, gif onie perſon be not infeft with ſik priviledge, hee may na-waies forbid, trouble or moleſt the King, or ony of his lieges to do the premiſſes: Or to win ſtaines, quarrell, or to exerce ony vther induſtrie to their awin profite and commoditie, within the floud marke of the ſea, *Quia vſus maris eſt communis omnium 29. Iulij 1500.* The King, contrair the Laird of *Seafeild. Ware* cums fra an auld French word *Varech*, vſed in the lawes of Normandie, *lib. c. vlt.* Quhilk ſignifies ony gudds or geare, caſſen out be the Sea to the lande, quhilk properly we call the wrak of the ſea.

VASSALLVS *quaſi baſſallus, inferior ſocius.* From the French *Bas*, as *plus Bas*, in Latine *inferior*, And the Dutch word, *Geſel*: in Latine *ſocius.* For the vaſſall is inferior to his Maiſter, becauſe he ſuld ſerue and reverence him. And zit he is in ane maner companion to him, becauſe ilk ane of them is mutúallie obliſhed til vthers. *Vid. affidatio, & Cuia lib. 1. defend.* writs that *leudes, leodes, fideles, homines noſtri, feudatarij, miniſteriales, beneficiarij, beneficiati, vaſſalli*, almoſt ſignifies ane thing: And *vaſſallus*, in Latine is *cliens*: Becauſe ſik relation is betuixt *dominus & vaſſallus*, as is betuixt *patronus* & *clicns. Molinæus in ſtil. cur. parl. c. 16. pag. 48.* Albeit *Cuiacius* affirmis the ſamin to be mony waies different. And ane bas infeftment is quhen the vaſſall annalies his landes halden of himſelfe and his aires, quhilk is ane inferiour, private or ſubalterne infeftment. In the lawes of the fewes, *vaſſallus* is called *fidelis, quia fidelitatem iurat*; he ſuld ſweare to be faithfull and trew to his maiſter. Amanges vaſſalles, the firſt place of dignitie is given to them quha are *Duces, & Marchiones, Comites*, and ar called *Capitanei regni.* The ſecond is granted to Barronnes and vthers of like ranke and eſtaite: And are called *Valuaſſores*

mi-

maiores. The thrid, is of them quha ar called Gentlemen or Nobles, haldand of Barronnes, quha likewiſe may haue vnder them vaſſalles, alſo Gentlemen: For ane Gentle-man may hald of ane vther. And his vaſſalles haldand in cliete of Barronnes, ar called, *valvaſſores minores*: And they quha haldis their lands of them, ar called, *vaſſalli, valuaſsini ſeu minimi valuaſſeres Lib. 1. de feud. Tit. de natura feudi. §. 1.* Bot in the lawes of this Realme, they quha haldis of Barronnes are called *milites*, and they quha haldis of them are called *ſubvaſſores. vid. Amerciamentum, vid. Baro, & Iacob. Cuiacium lib. 2. de feud. Tit. de nominibus vaſſallorum.*

WAIFE beaſt, *pecus vel animal aberrans*, quhilk wanders and wavers without ane knawen maiſter, quhilk being funde be ony man, within his awin boundes, he ſuld cauſe the ſamin to be proclaimed, diverſe and ſindry times vpon mercat dayes, at the paroch Kirk, and within the Schireffdome: Vtherwaies, gif he deteinis the ſamin, he may be accuſed for thieft thereof. And it is leaſum to the awner of the beaſt, to repeare and challenge the ſamin within zeir and day. *Quon. attach. c. eſcheta 30. vid. Toſcheoderach.* In the Lawes of France it is called *eſpaue*, *quo ſignificatur omne illud quod aberrat. Cheſſ. in conſuet. Burgund. Rubric. 1. §. 1. Verb. Eſpaues.* In Latine, *res pro derelicto habita. l. falſus 44. ff. de furt.*

WECHTS, meaſures, and diverſe kindes thereof. *vid. Serplath.* Reade likewiſe *aſsiſam regis David, de ponderibus & menſuris.* Iam. 1. p. 4. c. 68. 69. 70. Ia. 1. p. 3. c. 57. 58. Ia. 6. p. 11. c. *vlt.*

VENNYSON, ane word vſed in infeftments, *a venando, ſeu venatione*, & likewaies commonly vſed in the Lawes of England, and ſignifies licence & power to him, take and ſlay of the Kingis Veniſon within his Parkes and Forreſtes: Quhilk vtherwaies is not leaſum, bot is ſharply puniſhed with ane grievous fyne, or be baniſhment or priſon. *leg. foreſt. c. 91.* Quhilk is conforme to the lawes of England, *Anno 9. Hen. 2. c. 10.* Bot be the diſpoſition of the Forreſt lawes, it is leaſum to ane Erle, Biſhop, or Barronne, cummand or returnand throw the Kingis Forreſt, at his command, to take ane or twa beaſtes, be the ſight of the forreſter, gif he be preſent: and vtherwaies he ſall blow ane horne, that he appeare nocht to take the ſamin thiefteouſlie. *Leg. foreſt. c. 90.*

VERD, vert, from the Latine *viride*: ane worde vſed in Charters and infeftments, and alſo in the Engliſh lawes, quhair it is called *Grenehue*, and ſignifies power to cut greene trees or wood. And being committed be them quha hes nocht power to do the ſamin, is puniſhed be the forreſters, or vierders, quha ar called *Viridarij*, in the Lawes of Normandie and England. Be the auld law of this Realme, all forreſtes commonly perteined to the King: and the richt of Foreſtarie was given and diſponed in thir wordes, *in liberam Foreſtam*, as is exponed in the word *Foreſta*. And ane of the priviledges or liberties, that is, *poteſtas ſecandi*, licence to hew or cutte greene woodde, was granted be the King be infeftment and diſpoſition conteinand *Verb.* Quhilk libertie the King may graunte within his haill forreſt, or ony parte thereof, to ony perſon for fewell or fyre, bigging, or for ony vther particular vſe, quhilk perſon may not abuſe the ſaid forreſt or wood, after his awin

appetite and will, bot at the ſight and diſcretion of the forreſter, and vther officiares, or according to the forme and maner ſet downe, and limitate in his infeftment and gift, as writtis *Iohn Pappon. lib. 4. Tit. 3.*

Secondly, this word *verb* may be taken for power and licence of paſturage within the Kingis forreſts, graunted to him quha is infeft therewith, quhilk in the Engliſh lawes is called, the commoun of Herbage, and of vther things in the Kings forreſt, perteining to them quha ar accuſtomate to haue the ſamin. *Cart. de Foreſt. c. 1. Mag. Cart. Anno 9. Henr. 3. c. 8.* and juiſtment, herbage, *agiſtamentum & herbagium*, in Latine, *ius paſcendi pecoris*, is quhair an tennent hes right given to him of the feiding, graſſing, or paſtouring of his cattell within ane Parke or ony vther ground incloſed.

VEREDICTVM *Aſſiſa. vid. Properitas, vid. Varda.*

VERGELT, an Saxon or Dutch word, from *Ver, id eſt, vir vel homo, & Gelt, pecunia ſiue compenſatio*, as *vergelt furis is* threttie Kye, and ane quoyach. *Lib. 4. c. de vnoquoque 17.* Or threttie three Kye. *Stat. Alex. cap. de vno quoque 14.*

VILLENAGIVM, *a villano*, ſklaverie or ſervitude. *Lib. 2. c. Conſequenter. 13. vid. Bondagium.*

VISNETVM, from the French word *voiſin*, nichtbour, *quaſi voſinetum* or *Vicenetum*, from *vicinus*, ane quha dwellis neare vnto ane vther, or in the four halfes about, from the quhilk cummis the French worde, vſed in the Engliſh lawes, *vicenage*, and in the Lawes of this Realme, *Aſſiſa de vicineto*, is ane aſſiſe of nichtbours, or of the four halfes about. *vid. aſſiſa.*

WHITSONDAIES ſet. Ia. 2. p. 14. c. Or *Whit-ſundayes* making. Iames 2. in the ſame Par. cap. 90. Vtherwaies called *Whit-ſundayes* ſtyles. Quhilkis were certaine conſtitutiones and ſtatutes quhilkis free-halders, baith ſpirituall and Temporall, and ſpeciallie conventes of Abbayes, and religious places, maid betuixt them and their tennentes before *Whit ſunday*, for ſervice to be done to them, and better labouring of their landes, and payment of their dewtie.

VNLAW, *vid. Amerciamentum. vid. Tort.*

VNCTVM *porcorum*, ſwines ſeame or fatnes. *Leg. Burg. c. ſi quis ſcienter 71. ab vngendo*, becauſe it is profitable for vnctiones and ſmeering.

VOTH ſignifies out-lawrie, *vtlagium*. And in our auld Scottiſh langage ane *Vouthman*, is ane out-law, or ane fugitiue fra the Lawes. Mair-over, *Vouth* ſignifies perſewed, calling, or accuſation, from *Voucher, id eſt, Vocare.* vſed in the auld French and Engliſh lawes.

WRANG & vnlaw, *vid. Tort.* To denie wrang and vnlaw, quhilk the defender denyes that quhilk is objected to him, or quhairof he is accuſed, and zit confeſſes that he hes done vtherwaies then he aucht to doe, and ſwa hes not done his deuty, for the quhilk he is reddie to make amends & ſatisfie the partie offended. *Leg. Burg. c. 101.*

WREK of the ſea, ane worde ſpecified in the lawes and ſindrie infeftments, quhilk ſignifies power, libertie, and prerogatiue competent to the King, or to ony perſon, to quhome the famin is granted be him be infeftment, or ony vther diſpoſition, to intromet and vp-take ſik guds & geare, as

ſchip-

schip-broken, or fallis to him be escheit of the sea: quhilk liberty is als competent & profitable to him quha is infeft with wreck, as it micht be to the king himself giver theirof, *Quia wracta pertinens ad Dom. regem & wracta competens vassallo, ex donatione regis pari iure æstimantur. l. forest. c. inter antiqua 56.* And in the laws of England, *an 3, Ed. 1. c. 4.* concerning wrek of the sea, it is statute, that quhair an man, an dog, an cat, escapes quick out of the schip, that sik schip or barg, nor nathing within hir, salbe adjudged wrek, bot the guds sal be saved & keiped be the sicht of the schireff, coroner, or the kings baillie, & delivered into the hands of sik as ar of the town, quhair the guds were fund, sa that gif ony craue the guds within ane zeir & ane day, after proufe, that they war his awin, they sall be restored to him without delay. And vther-waies they sall remaine to the King. And the schireffes, coroners, & baillies of the town intromettous therewith, sa be answerable therefore to the Kings officiares, & quhair wrek belangs to an vther then to the King, he sal haue it in maner abone expremed. And quha so-ever dois vtherwaies, & is attaynt or convict thereof, he salbe imprisoned, & pay ane fine arbitrall to the King, & the damnage to the partie. Silk-like be the lawes of England, the King suld haue the wrek or escheit of the Sea, throw-out the Realme, of Whales and great sturgeons taken in the sea, or els quhair within the Realme: except in certaine places priuiledged be the king. *Ian. 17. Ed. 2. c. 11.*

VTLAGIVM, *vel vtlagatium*, outlawrie, rebellion, disobedience to the lawes, banishment, or forefaltour. Ia. 2. p. 6. c. 30. For gif the king restore *ex gratia*, ane man that is outlawed or forefalted, he thereby recovers nocht his lands, bot be the gud will of his over lord. *Quia forisfactum & vtlagationem. D. Rex damnatis solet remittere. nec tamen aliena Iura quærit nec potest infringere lib. 2. c forisfactum, 55. de iudic. c. si per legem 149.*

Y

YBVRPANANSECA, it appearis to be like that, quhilk is called the law of Birdingsek, for in sūme auld authentick buiks it is written. *lib 4. c 14. yburpan insecca. h. e. de furto vituli vel arietis, vel quantum cibi, quis portare potest super dorsum suum curia non est tenenda.* Sum affirms in the Gascoin language. *Pana* to signifie *furari*, to steill, and *panadour* to be ane thief: and it appearis weill, *Seca* signifies ane seck. In Latine *saccus*, quhilk word is commonly vsed in all tongues and languages amangs al people and nationes.

Z

ZARDE. Ia. 1. p. 7. c. 99. Is ane kinde of measure commonly vsed in England, nocht meikle different from our elne. Ane zaird of land *virgata terræ*, in the Britton lawes, is ane measure of land, quhilk in diverse places is diverse. sumtimes of 20. aikers, sumtimes of 24. & sumtimes of 30. aikers.

ZELDE, ane gift or donatien. *vid Herezelde.*

ZEMSEL, of ane Castell, the custodie and keeping of ane Castell. *leg. burg c. 3* For zeme, in our auld language, is to obserue and keepe, as quhen in time

time of ſingular battell, they quha ſtandes by, & behalders ar commanded to keepe, & *zeme* the time of the derenzie, the weapons fra the hands of the appealer and defendour, *In lib. feud*, It is called *feodum Guardiæ*, in Latine *cuſtodia, & Guardiani cuſtodes* to quhom Caſtelles and territories of landes are committed in keiping, quhom we cal Wardaines, as writis the interpretours of the fewes, and ſpeciallie, *Zaſius de feudis. Par. 12. Nu. 7.* And in this Realme lands, annuell-rents, or dewties given for keiping of Caſtelles, are called *caſtelvardia.*

FINIS.

Ane admonition to the Reader, tuiching the Buikes conteinand the Lawes of this Realme, and abbreuiationes vſed *in the treatiſe preceiding.*

I Haue alleaged in this little treatiſe, the firſt worde, with the number of the Chaptour of ilk buik of the auld lawes of this Realme, written before King *Iames* the Firſt, of gud memorie. Becauſe there is great diverſitie anent the number of the chaptoures. Swa that thereby, there can be na ſure or certaine allegation. Bot gif the number failzie, the 1. & capitall worde, will be ane ſure guide and convoy to the richt place alleaged.

Leg. Mal. Mak. Leges Malcolmi Mackenneth. The laws maid be king *Malcolme* the ſecond of that name, very gud and profitable, bot few in number.

Lib. 1. Lib. 2. Lib. 3. Lib. 4. The firſt, ſecond, thrid, and fourth buikes of *Regiam maieſtatem*, maid be King *David* the firſt. Swa called and intituled from the firſt word of the beginning thereof, to the imitation of the four buiks of the Inſtitutions of the civill lawes, quhilk beginnis *Imperatoriam maieſtatem.*

Quo. attach. Quoniam attachiamenta, ſwa called fra the firſt word thereof. Conteinis the Barron lawes, and forme of the Barron court, written in the time of the ſaid King *David* the Firſt.

Mod. ten. cur. bar. Modus tenendi curias baronum, ane buik written in Scottiſh language, quhilk is not of great antiquitie, as may be knawen be the ſtyle and language thereof, and is not conteined in the auld buikes maiſt worthie of faith and credite, alwaies it is ane interpretation of the buike, *Quoniam attachiamenta*, maid be ſum man, quha hes eiked and augmented ſindrie things profitable for vnderſtanding of the forme of proceſſe vſed in auld times.

Leg. Burg. leges Burgorum, The lawes of Burrowes, maid in the time of the ſaid King *David* the firſt, be relation and information of certaine learned men, quhom he ſend to vther cuntries to learne & report to him the lawes and ordinances thereof, quhilk was done be them within the ſpace of twa zeires or thereby, as is plaine & manifeſt be auld authentik buiks. And it is probable that he hes vſed in like forme and proceeding, in making & furthſetting of the remanent his lawes.

Stat. Wilh. ſtatuta Wilhelmi, ſtatutes & lawes maid be King *Williame.*

Stat.Alex.ſtatuta Alexandri, Statutes & lawes maid be King *Alexander* the ſecond of that name, ſonne to King *William*.

Stat.1.Rob.Br.ſtatuta prima Roberti Bruyſe.

Stat.2.Rob.Br.ſtatuta ſecunda Roberti Bruyſe. quhilk ſtatutes & laws maid be him ar co-incident, & for the maiſt part conteinis the like, or ſamin lawes.

Aſſ.Reg.Da.Aſſiſa regis David: Laws maid be King *David* the *Bruyſe*, called King *David* the Second: And in ſome buikes ar called, *ſtatuta regis David.*

Stat.Rob.3.ſtatuta Roberti Tertij: Statutes maid be King *Robert* the Thrid, Father to king *Iames* the Firſt, quhilk as zit remainis in the Regiſter of this Realme.

Leg.Foreſt.Leges Foreſtarum: The lawes of Forreſtes, quhairof the author is not knowen to me.

Iter.Camer.Iter camerarij: The Chalmerlaine aire: quhik as ſome alleagis, was written and put in forme, in the time of King *Iames* the Thrid: Al be it the ſamin Courts were frequent and meikle vſed mony zeires before him.

De maritag.de maritagio: Ane little treatiſe, written be ſome private man, and is na-waies authentick: It is ſo called, becauſe the beginning thereof is, *De marito.*

Stat.Gild.Statuta Gildæ, Certaine ordinances and conſtitutions, touching Burgeſſes gild brether, maid & conſtitute be *Robert Durhame*, Maire of *Berwick*, *Simon Marchel* and vthers wiſe men, inhabitants of the ſaid Burgh.

Leg.port.leges portuum, ane treatiſe collected and written be ſum particular perſon, quhilk is not authentick, & conteinis ane briefe ſumme & abridgement of the auld lawes, & is ſwa called, becauſe it conteinis the ordinances anent the cuſtomes of ſhips, paſſand furth of this realme, or arryvand to the ſamin, laidened with merchandice, & the forme of cuſtomes, baith outward and inward.

De iudic.De iudicibus, Ane lang and large Rapſodie, collected furth of all the buikes conteinand the civill law of this Realme. It is not authentick, bot zit very profitable for expoſition of ſindrie places of the principall and authentick buikes. It is ſwa called, be reaſon the beginning thereof is, *De iudice eligendo.*

The actes of Parliament of King Iames the Firſt, and his ſucceſſoures, ar alleaged be the name of the King or Queene, authour thereof: As Ia. for *Iames*, Mar. for *Marie*. p. for Parliament, and mair-over be the number of the Parliament and chaptour.

Decreetes given be the Lordes of the Seſſion and Councell, ar alleaged be the day, moneth, and zeir of God, in the quhilk they ar pronunced, and ſumtime be the names of the perſewer and defender.

Quhair ony thing is written in the expoſition of ane worde, quhilk may ſerue for the declaration of ane vther, for eſchewing of vnprofitable repetition, I remit zou from the word to ane vther, be *vid.* For *vide*, and ſwa ſee and reade the expoſition of the ane and the vther: For thereby ze ſall be mair largely inſtructed.

FINIS.

FINIS.

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